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The Age of Marriage and the Age of Consent

INTRODUCTION.
THE SUBJECT CONSIDERED GENERALLY.
THE AGE OF MARRIAGE.
THE AGE OF CONSENT.
THE AGE OF MARRIAGE AND OF CONSENT CONSIDERED IN RELATION TO THE MORAL PROTECTION OF THE YOUNG.

Appendix:

EXTRACTS FROM THE LAW OR FROM OFFICIAL REPLIES ON THE AGE OF MARRIAGE AND THE AGE OF CONSENT.

INTRODUCTION.

At the fourth session of the Advisory Committee on Traffic in Women and Protection of Children, held at Geneva in May 1925, a report containing a programme of work was drawn up, which was subsequently adopted by the Council.

The second item on the programme of work in the report was as follows:

> " *A compilation of the law relating to the age of consent and to the age of marriage.* By the term ' age of consent' is meant the age under which consent of the victim is not considered an extenuation of an offence against morality.. This information is required in connection with a study proposed by the delegate of Uruguay to ascertain to what extent the age fixed for consent and for marriage may affect the question of the moral protection of children and young persons. "

In accordance with this resolution, enquiries as to the age of marriage and the age of consent were addressed to fifty-seven States. A provisional report was drawn up (C.P.E.36(1)), based on twenty-six replies received, and was considered by the Child Welfare Committee at its second session, in March 1926, when the following resolution was passed:

> " The Committee, having considered the provisional report on the age of consent and of marriage, requests the Council to instruct the Secretariat to invite those countries which have not replied to do so, and those countries which have supplied incomplete data to give the additional information required, in order that the Committee may be enabled to complete the study which it is making on the subject. "

At the fortieth session of the Council, the report of the Child Welfare Committee was considered and the following resolution was passed with regard to the age of marriage and consent:

> " The Council instructs the Secretary-General to ask those Governments which have not supplied information on the subject of the age of consent and of marriage to consider the possibility of doing so. "

The resolution of the Council did not sanction the obtaining of additional information from countries which had furnished incomplete data.

Replies have now been received from forty-six States. Guatemala and Peru have written stating that the information required will be forwarded, but the full reply has not yet come to hand. The Argentine and Canada have sent information as regards the age of marriage only and

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IV. SOCIAL
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not as regards the age of consent, and these replies have not therefore been used for this comparative study. There remains the information supplied by forty-two States, which has been analysed for the purposes of this report. These States are as follows:

Australia
Austria
Belgium
China
Cuba
Czechoslovakia
Danzig
Denmark
Dominican Republic
Egypt
Estonia
Finland
France
Germany
Great Britain
Greece
Haiti
Hungary
Iceland
India
Irish Free State
Italy
Japan
Latvia
Luxemburg
Monaco
Netherlands
New Zealand
Norway
Poland
Roumania
Salvador
Kingdom of the Serbs, Croats and Slovenes
Siam
South Africa
Spain
Sweden
Switzerland
Turkey
United States of America
Uruguay
Venezuela

There have been great differences of interpretation of the enquiry in the replies received. Some States have submitted in full the articles of the Civil Code relevant to marriage and the articles of the Penal Code relevant to offences against decency and morals. Other States have replied very briefly, giving only the age of marriage and the age of consent for an indecent offence against a girl. It is unsafe to assume of any State that, where there is an absence of information, this implies an absence of legislation.

In the absence of full information, it may be that, in the case of some countries, the age of marriage has been classified as a minimum age not subject to exception, although in fact it is the minimum age subject to dispensation in exceptional cases; and it may be that the age of consent has been classified as the age of absolute protection although it is in fact subject to special provisos. In the majority of cases, however, sufficient information was supplied for a correct classification to be made.

THE SUBJECT CONSIDERED GENERALLY.

Any attempt to compare the age of marriage with the age of consent involves taking into account a very large amount of legislation, and involves also much qualification and explanation of each statement. In order to present the facts in a manner in which they can clearly and usefully be compared, and in order to keep the study within reasonable dimensions, it has been found necessary to make a selection from the material submitted and to limit the subject of the age of consent to the consideration of cases of indecent offences against a boy or girl.

A summary of the replies received from forty-two States has been made out in the form of two tables (Table A and Table B) which sets out separately, and yet side by side, the substance of the legislation of the different countries on the two subjects.

Table A is in two main divisions. The first division relates to the age of marriage. The information received shows that the age of marriage can be considered under three headings: a minimum age not subject to exception; a minimum age under which, in exceptional cases, marriage may take place by dispensation; and an age, generally the age of majority, under which the consent of a third party is necessary.

The second half of Table A deals with the age of consent as regards an indecent offence against a boy or girl. The age of consent is often subject to modification in certain circumstances, and for this reason three main divisions of the age of consent have been given: the age of consent subject to no exception; the age of consent subject to special provisos or defences; the age of consent in cases of special relationship between the offender and the victim of the offence.

Table B compares the minimum age of marriage with the age of consent subject to no exception. The table classifies the countries according to the age in force as regards the age of marriage and the age of consent, both in respect of men and of women.

To prevent overloading the tables with written matter, extracts from the legislation or from the official replies on which the data in the tables are based have been placed alphabetically in the Appendix under the name of each country.

THE AGE OF MARRIAGE.

Legislation restricting the age of marriage is effected according to the replies received in three ways:

(*a*) By fixing a minimum age not subject to exception;
(*b*) By fixing a minimum age under which marriage may take place by dispensation;

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(c) By laying down an age, generally the age of majority, under which the consent of a third party to the marriage is required.

Some countries use all three methods of legislation on the age of marriage, others use only one method, and others, again, use a combination of any two methods.

(a) *Minimum Age not subject to Exception.* — In many cases, as might be expected, the minimum age of marriage not subject to exception is very low, and it is probable that it bears little relation even to the lowest age at which marriage actually takes place in the country. In twenty-six out of the forty-two replies analysed, a minimum age of marriage not subject to exception is laid down: Australia (Queensland, South Australia, Tasmania, Victoria, Western Australia), Austria, China, Cuba, Czechoslovakia, Danzig (men), Egypt, Estonia, Germany (men), Great Britain, Greece, Hungary, Irish Free State, Italy, Latvia, New Zealand, Poland, Roumania (Bukovina), Salvador, Kingdom of the Serbs, Croats and Slovenes (except territory of Voivodine), Siam, South Africa, Spain, Turkey, Uruguay, Venezuela.

(b) *Minimum Age under which Marriage may take place by Dispensation.* — In this case, the minimum age of marriage is higher than in countries where the minimum age is subject to no exception, and it probably bears a closer relation to the lowest ages at which a certain number of marriages actually take place. The granting of dispensation is generally vested in a high officer of the State, and is only exercised in exceptional cases and for urgent reasons. The most common reason for dispensation is probably that in which the girl is about to become a mother and in which marriage will enable the child to be born legitimate. According to the replies received, the exercising of dispensation is variously carried out by the King or by Royal Decree, by the Supreme Court, the President, the competent legal authority or by the Church. The countries which restrict the age of marriage by laying down a minimum age and by permitting marriage under that age by dispensation are as follows: Belgium, Czechoslovakia (Ruthenia and Slovakia), Danzig (women), Denmark, Dominican Republic, Finland, France, Germany (women), Haiti, Hungary, Iceland, Italy, Japan, Luxemburg, Monaco, Netherlands, Norway, Poland (except territory formerly Austrian), Roumania (Old Provinces, Bessarabia, Transylvania), Kingdom of the Serbs, Croats and Slovenes (Voivodine), Sweden, Switzerland.

(c) *Age under which the Consent of a Third Party is necessary.* — A provision such as this is to be found in addition to the minimum age of marriage in nearly every legislation submitted. The third party whose consent is required generally consists of the parents or guardians, but sometimes the Court is appointed *ad hoc*. The results which follow a marriage entered into without the consent of the third party vary. In a few cases the absence of such consent nullifies the marriage, in most cases the marriage is only voidable, and in some the absence of the consent required has no effect upon the validity of the marriage.

The Age of Marriage for Men and for Women. — The legislation submitted on the age of marriage shows that it is the general rule to have a higher minimum age of marriage for men than for women. There are, however, a few countries in which the minimum age subject to no exception is *the same* for both men and women, *i.e.*, Austria 14 years, China 16 years, Czechoslovakia (14 years in Bohemia, Moravia, Silesia, 12 years in Slovakia and Sub-Carpathian Russia), Hungary 12 years, Poland (14 in territory formerly Austrian and 7 in territory formerly Prussian), Roumania (14 in Bukovina), Kingdom of the Serbs, Croats and Slovenes (14 in Croatia and Slovenia, 16 in Bosnia and Herzegovina), Turkey 15. The highest figure where the age is the same for both sexes is therefore 16 in China and in Bosnia and Herzegovina, and the lowest age is 7 in Poland (territory formerly Prussian).

As regards countries in which the age of marriage for men and women is different and which have a minimum age of marriage not subject to exception, the highest age for men is the age of majority in Danzig and Germany, the lowest age is 12 (Hungary), except for India and Siam, where the minimum is undefined. With regard to women, this group of countries shows the highest minimum age not subject to exception as 16 (China, Egypt, Estonia, Latvia) and the lowest 12 (Cuba, Great Britain, Greece, Hungary, Irish Free State, Italy, New Zealand, South Africa, Uruguay and Venezuela), except that in Siam the minimum age is undefined.

As regards countries which have a minimum age subject to exception or dispensation, the highest age for men is the age of majority (Denmark, Finland, Iceland, Sweden), the lowest age is 17 (Japan). With regard to women, this group of countries shows the highest age to be 18 (Denmark, Iceland, Norway, Sweden) and the lowest 15 (Belgium, Dominican Republic, France, Haiti, Japan, Luxemburg, Monaco).

THE AGE OF CONSENT.

By the age of consent, most countries have understood the age under which consent of a boy or girl to an indecent act is not recognised as a defence to the charge. Other countries have, however, given the age of consent for offences such as seduction, abduction, procuration and corruption of minors. In the case of these offences, the age of consent varies for each offence, and is generally higher than the age of consent to an indecent act. The correlation of information on

several different offences subject to many qualifications introduces so many factors that useful comparative study is almost impossible, and therefore the age of consent as regards these offences has not been taken into consideration.

The penalties for offences against morals vary greatly, both in kind and in severity, from country to country, and, as they are not material to the comparative study of the age of marriage and of consent, they have been omitted.

In the case of juvenile delinquents who are younger or of much the same age as the person offended against, there is often special legislation in their favour. These cases are, however, of a somewhat exceptional nature and as only a few countries have submitted information on them, they have not been considered with respect to the age of consent.

In many countries, the age of consent is not absolute but is subject to qualifications, especially where it is an age above 15 years. The official replies in such cases state that the age of consent is 15, 16 or 17, and support this fact by extracts from the penal code, which show that there is some limitation imposed on the universal application to all cases of this age of consent. It has therefore seemed advisable to classify the age of consent under three divisions:

(*a*) The age of consent subject to no exception;
(*b*) The age of consent subject to special provisos or defences;
(*c*) The age of consent in cases of special relationship.

(a) *The Age of Consent subject to no Exception* may be considered as an age of absolute protection, under which there is no provision in the legislation for a defence on the grounds of consent, limitation of time or previous immoral conduct on the part of the complainant. This age of absolute protection is at its highest at 16 for both sexes (as regards men in Belgium, Great Britain, Norway; as regards women in Belgium, Great Britain, Iceland, Irish Free State, Netherlands (European territory), Norway). It is at its lowest for men at 11 in the Dominican Republic, and as regards women at 10 in Estonia.

(b) *The Age of Consent subject to Special Provisos and Defences.* — As already stated, many countries have adopted a comparatively high age of consent, but it is not an age of absolute protection, because there are limitations upon its application.

These restrictions often take the form of limiting the period during which the action can be brought, or of permitting proceedings to be taken only on the initiative of the parents or guardians. There are also, in this same connection, special defences open to the offender, the most common defence being that he had reasonable cause to believe that the victim was over the age of consent. This defence is sometimes limited to young men under 21. Lastly, there is often a low age of absolute protection but a much higher age in force in respect of a child who was, previous to the offence, of good moral character, which is variously defined as being of good reputation, virtuous, innocent, chaste and not a prostitute or frequenter of prostitutes.

Subject to any one of these provisos or defences, the age of consent may be placed high, and it reaches the age of majority in Greece, the Netherlands, Salvador and Venezuela. It is at its lowest at 14 in Czechoslovakia (Slovakia and Sub-Carpathian Russia), Estonia, Hungary, the Kingdom of the Serbs, Croats and Slovenes (Voivodine).

(c) *The Age of Consent in Cases of Special Relationship.* — The age of consent is often raised by one or two years above that which is the general rule where the offender occupies a special relationship to or is in authority over the boy or girl against whom the offence has been committed. This relationship may exist between people in the same house (visitors or servants and the young members of the family of either sex), or between those in authority (foster-parents, guardians, teachers, masters, doctors, clergy, etc.) and young persons who are in their custody or care or under their instruction. It may also exist as regards the staff of an institution and inmates under their care. In countries in which the age of consent itself is not raised in cases of special relationship, there are often more severe penalties in force for an offence committed by a person in a position of authority.

THE AGE OF MARRIAGE AND OF CONSENT CONSIDERED IN RELATION TO THE MORAL PROTECTION OF THE YOUNG.

The comparative study of the law relating to the age of consent and of marriage has, as already stated, been carried out in the form of comparative tables and the relevant extracts from laws have been placed in the appendix. The second part of the work in connection with this enquiry is stated to be "a study . . . to ascertain to what extent the age fixed for consent and for marriage may affect the question of the moral protection of children and young persons". No State has submitted any definite opinion, nor has it given any data other than legislation to

show how far moral protection can be carried in the matter of fixing an age of consent and of marriage.

It is generally held that the considerations which influence legislation on the age of marriage differ from those influencing legislation on the age of consent and, according to the replies received, the subjects are usually dealt with in quite different codes — the marriage age under the civil code and the age of consent under the penal code. It is clear, however, that both forms of legislation have points of resemblance as regards the protection of young persons. First, legislation fixing the age of marriage and legislation fixing the age of consent both aim at protecting young persons against their own imprudence. Secondly, in both cases, the legislation effects protection by fixing a limit of age under which young persons are legally considered to be immature or irresponsible. Thirdly, in both cases the giving of consent by a young person under the specified age does not carry with it the ordinary consequences of consent. As regards marriage, the consent of parties under age may make the marriage void or voidable. As regards the age of consent, the law declines to accept the defence that the young person gave his or her consent, and thereby waives the general rule *volenti non fit injuria*.

It would appear that, on account of the serious responsibilities involved in marriage, the majority of countries take the view that the minimum age of marriage should be higher than the age of consent. A rough classification gives the following results, excluding countries having more than one form of legislation, and whether or not the minimum age of marriage is subject to exception:

(*a*) The minimum age of marriage is higher than the age of consent in twenty-three countries: Belgium (men), China, Danzig, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Haiti (men), Iceland, Italy (men), Japan, Latvia, Luxemburg, Monaco, (men), Netherlands (men), Norway, Roumania (except Bukovina), Salvador, Spain (except as regards women and civil marriages), Sweden.

(*b*) The minimum age of marriage is lower than the age of consent in eight countries: Belgium (women), Great Britain, Greece, India, Irish Free State, Siam, South Africa, Venezuela.

(*c*) The minimum age of marriage is the same as the age of consent in ten countries: Austria, Cuba, Haiti (women), Italy (women), Monaco (women), New Zealand (women), Spain (women in civil marriages); Roumania (Bukovina), Turkey, Uruguay (women).

As regards the protection of young persons, the essential point is not whether the minimum age of marriage be higher or lower than the age of consent, but rather that both ages should conform respectively to the standards required by enlightened public opinion. Without adopting any definite standard for purposes of comparison, it is clear from the comparative table that existing legislation on the age of marriage and of consent can be classified as regards its adequacy into four categories:

(*a*) Cases in which the age of marriage and age of consent are both reasonable;

(*b*) Cases in which the age of marriage and the age of consent are both low;

(*c*) Cases in which the age of marriage is reasonable but the age of consent is low;

(*d*) Cases in which the age of marriage is low but the age of consent is reasonable.

While there can be no doubt that legislation on the age of marriage and on the age of consent does afford protection to young people, the comparative table illustrates the wide range of views which exist in different countries as to the age up to which the protection of young people can effectively be carried in the matter of fixing an age of marriage and an age of consent.

TABLE A

TABLE COMPARING THE AGE OF MARRIAGE WITH THE AGE OF CONSENT

A	LEGAL AGE OF MARRIAGE				AGE OF CONSENT AS REGARDS AN INDECENT OFFENCE *			
	B	C	D	E	F	G	H	I
COUNTRY	Minimum age not subject to exception	Minimum age subject to exception	Age under which consent of parent, guardian, judicial authority or other third party is required	Remarks	Age, subject to no exception	Age, subject to special provisos or defences	Age in cases of special relationship	Remarks
1. **AUSTRALIA**			M. 21 [a] W. 21 [a]	[a] The minimum age is not determinable under the law of New South Wales.	M. undefined W. 14	W. 16	W. 17	
New South Wales	M. 14 W. 12		M. 21 W. 21		M. 14 W. 12	W. 17		
Queensland	M. 14 W. 12		M. 21 W. 21		M. 16 W. 16	W. 17	M. 18 [a] W. 18	[a] The age is 18 where the defendant is a guardian or teacher of the boy or girl.
South Australia	M. 14 W. 12		M. 21 W. 21		W. 16	W. 18		
Tasmania	M. 14 W. 12		M. 21 W. 21		M. 16 W. 16	W. 18 [a]		[a] Where offender is over 21 and the girl unmarried and was previously chaste.
Victoria	M. 14 W. 12		M. 21 W. 21			W. 16	W. 17 [a]	[a] The age is 17 for indecent assault by a guardian, employer, teacher or schoolmaster.
Western Australia	M. 14 W. 12		M. 21 W. 21		M. 14 W. 14			
2. **AUSTRIA**		M. 18 [a] W. 15 [a]		[a] The Crown may grant dispensation to marry under these ages.	M. 16 W. 16		M. 21 [a] W. 21 [a]	[a] The age is 21 if the accused is an ascendant and if the minor has not been emancipated by marriage.
3. **BELGIUM**								
4. **CHINA**	M. 16 [a] W. 16 [a]			[a] "Under the laws at present in force." November 11th, 1925.	W. 12			
5. **CUBA**	M. 14 W. 12		M. 21 W. 21	A marriage contracted by children who have not reached the age of puberty shall be, *ipso facto*, confirmed without the necessity of any special declaration, provided they have lived together for one day after reaching the legal age of puberty without lodging any appeal against the validity of the marriage, or if the girl has conceived before the legal age of puberty or before proceedings have been instituted.	W. 12		W. 20 [a] and more [b]	[a] The age is 20 when the offence is committed by a public official, priest, domestic servant, guardian, teacher or other person in any way responsible for the education or protection of the victim. [b] There is no limit where the offence is committed by a brother or an ascendant of the victim.

6. **CZECHOSLOVAKIA** **	M. 14		M. 21	[a] The Prefect of the Department may grant exemption to marry under these ages.	M.[a] child [b]			[a] The age of consent is 14 for an *innocent* girl. No age of absolute protection has been given.
(1) **Bohemia, Moravia, Silesia**	W. 14		W. 21		W. 14			[b] The official reply does not state up to what age the victim is considered a child.
(2) **Slovakia and Sub-Carpathian Russia**	M. 12 W. 12	M. 18 [a] W. 16 [a]	M. 21 W. 21			W. 14 [a]		
7. **DANZIG**	M. at majority [b]	W. 16 [a]	M. at majority [b] W. at majority [b]	[a] The general rule may be set aside for women. [b] The age of majority is usually 21 but may be exceptionally at 18.	M. 14 W. 14	W. 16 [a]	M. 21 [b] W. 21 [b]	[a] The age is 16 for seducing a *virgin* girl. [b] Minors are protected to the age of majority in respect of an offence by their guardians, adoptive or foster parents, ministers of religion, teachers or tutors.
8. **DENMARK**		M. 21 [a] W. 18 [a]		[a] Dispensation by Royal Decree may be granted in special circumstances, generally to men of 19 or 20 and to women of 16.	W. 12	W. 16 [a]		[a] Proceedings for offences on girls between 12 and 16 will only be taken at the instance of parents or guardians.
9. **DOMINICAN REPUBLIC**		M. 18 [a] W. 15 [a]	M. 21 W. 21	[a] A judge of first instance may grant dispensation from the age limit for valid reasons.	M. 11 W. 11		M. 21 [a] W. 21 [a]	[a] The age is the age of majority in the case of an offence by an ascendant on a minor not emancipated by marriage.
10. **EGYPT**	M. 18 [a] W. 16 [a]			[a] A contract of marriage will not be recognised or sanctioned by law if concluded under these ages.	M. 14 W. 14			
11. **ESTONIA**	M. 18 W. 16				W. 10	W. 14 [a]		[a] The age is 14 if girl is a *virgin*. — Sexual relations with a girl between 10 and 14 who consents and who is not a virgin does not constitute a crime.
12. **FINLAND**		M. 21 [a] W. 17 [a]		[a] In unspecified cases dispensation may be given by the Supreme Court. Young men in settled circumstances may marry at 18. The marriage law is in process of being revised.	M. 15 W. 15	M. 17 [a] W. 17 [a]		[a] The age is 17 in respect of *innocent* children.
13. **FRANCE**		M. 18 [a] W. 15 [a]	M. 21 W. 21	[a] The Government may for serious reasons grant exemption to marry under these ages.	M. 13 W. 13		M. 21 [a] W. 21 [a]	[a] The age is 21 where the offence is committed by an ascendant on his descendant who is not emancipated by marriage.
14. **GERMANY**	M. at majority	W. 16 [a]		[a] Exceptions to the general rule may be allowed in the case of women, but men must have attained their majority, which is usually at 21, but may be at 18.	M. 14 W. 14	W. 16 [a]	M. 21 [b] W. 21 [b]	[a] The age is 16 if the girl is a *virgin*; proceedings are taken only at instance of parents or guardians. [b] The age is the age of majority where the offence is committed by a clergyman, teacher or tutor on a pupil or ward.
15. **GREAT BRITAIN**	M. 14 [a] W. 12		M. 21 W. 21	[a] These are the ages at which consent can be given to marriage. Marriages under these ages are voidable.	M. 16 W. 16			

* The age of consent is the age under which the consent of the victim does not constitute a defence to a charge of carnal knowledge of a girl or of an indecent assault against a boy or girl.
** New draft civil and penal codes are in the Secretariat files and can be examined there if desired.
M. = Man. W. = Woman.

TABLE COMPARING THE AGE OF MARRIAGE WITH THE AGE OF CONSENT

A	LEGAL AGE OF MARRIAGE				AGE OF CONSENT AS REGARDS AN INDECENT OFFENCE *			
	B	C	D	E	F	G	H	I
COUNTRY	Minimum age not subject to exception	Minimum age subject to exception	Age under which consent of parent, guardian, judicial authority or other third party is required	Remarks	Age, subject to no exception	Age, subject to special provisos or defences	Age in cases of special relationship	Remarks
16. **GREECE**	M. 14 W. 12		M. 21 W. 21		M. 15 W. 15	W. 21 [a]	M. 21 [b] W. 21 [b]	[a] The age is 21 in respect of an *innocent* girl. [b] The age is the age of majority where the offence is committed by persons in certain positions of authority.
17. **HAITI**		M. 18 [a] W. 15 [a]		[a] The President may grant exemption to marry under these ages.	M. 15 [a] W. 15 [a]			[a] The official reply refers to the offence of rape or an offence against decency *with violence.*
18. **HUNGARY**	M. 12 W. 12	M. 18 [a] W. 16 [a]	M. at majority W. at majority	[a] The Minister of Justice may grant dispensations.	M. 12 W. 12	W. 14 [a]		[a] This is the age in respect of a *virtuous* young girl. No age of absolute protection is given.
19. **ICELAND**		M. 21 [a] W. 18 [a]	M. 21 W. 21	[a] The Minister for Iceland may grant special authorisation to marry under these ages but only does so in exceptional cases where the man is under 20 and the woman under 17.		W. 16 [a]		[a] Proceedings only take place at the instance of the parents or guardians.
20. **INDIA**	A. *Age at which marriage may lawfully be contracted:* M. 16 / W. 13 — In cases governed by Sec. 60 of the Indian Christian Marriage Act, 1872. M. 18 / W. 14 — In cases governed by Sec. 2 of the Special Marriage Act, 1872. M. Undefined / W. Undefined — In cases not covered by the application of the above-mentioned Acts. B. *Age at which marriage may lawfully be consummated:* M. Undefined / W. 13 — A man may not have intercourse with his wife, even with her consent, if she is under 13.			The statutory and personal law of India permits of marriage being *contracted* at any age, except where the provisions of the two Marriage Acts apply. The Penal Code, however, makes the consummation of the marriage with a wife under 13 unlawful, by including such conduct in the statutory definition of the offence of rape. The husband's age is unrestricted as regards the consummation of marriage.	W. 14 [a] (or 13 if the girl is married)			[a] Sexual intercourse with a woman under 14, or between a husband and wife where the wife is under 13, constitutes the offence of rape, even where there is consent. The official reply states that certain acts preliminary to offences against morals are punishable when committed on persons under stated ages. These ages are not specified.
21. **IRISH FREE STATE**	M. 14 W. 12		M. 21 W. 21		W. 16			

22. **ITALY**	M. 14 W. 12	M. 18 [a] W. 15 [a]	M. 25 W. 21	[a] Legal authority must be obtained to marry under these ages.	M. 12 W. 12		M. 15 [a] W. 15 [a]	[a] The age is 15 where the offender is an ascendant, guardian or tutor of the victim.
23. **JAPAN**		M. 17 [a] W. 15 [a]	M. 30 W. 25	[a] Subject to regulations, a marriage may be annulled if contracted under these ages.	W. 13		M. 13	
24. **LATVIA**	M. 18 W. 16				M. 14 W. 14	M. 16 [a] W. 16 [a]	W. 21 [b]	[a] The age is 16 if the offence was committed "in abuse of innocence". [b] The age is 21 if the offender has the girl in his custody, charge or care.
25. **LUXEMBURG**		M. 18 [a] W. 15 [a]		[a] The Grand Duke may accord dispensation to marry under these ages for serious reasons.	M. 14 W. 14			
26 **MONACO**		M. 18 [a] W. 15 [a]		[a] The Prince may grant dispensations in respect of age if there are serious reasons for doing so.	M. 15 W. 15		M. 21 [a] W. 21 [a]	[a] The age is 21 if the offence is committed by an ascendant on a minor not emancipated by marriage.
27. **NETHERLANDS** (1) **European Territory**		M. 18 [a] W. 16 [a]		[a] The stipulation as to age may be waived if there are urgent reasons for so doing.	W. 16	W. 21 [a]	W. — [b]	[a] It is an offence to seduce a girl under 21 who is of *good character*. [b] There is a higher age (undefined) of protection also where a special relationship exists between the offender and the victim. [c] The age of consent is 14 in Surinam. [d] The age of consent is 15 in Curaçao.
(2) **Surinam and Curaçao**		M. 18 [a] W. 15 [a]			W. 15 [c] or 16 [d]			
28. **NEW ZEALAND**	M. 14 W. 12		M. 21 W. 21		W. 12	W. 16 [a]		[a] Special provisions are made in regard to offences against girls between 12 and 16 with reference to the age of the offender and his reasonable belief that the girl was 16 or over, etc.
29. **NORWAY**		M. 20 [a] W. 18 [a]	M. 21 W. 21	[a] The competent magistrate may permit marriages under these ages.	M. 16 W. 16		M. 18 [a] W. 18 [a]	[a] The age is 18 where the victim is under the authority or care of the offender.
30. **POLAND** (1) **As regards territory formerly Russian** [a]	M. 14 W. 12	M. 18 W. 16	M. 21 W. 21	[a] There are several forms of legislation in force to meet different cases.	M. 16 W. 14	W. 16 [a]	W. 16 [a]	[a] The age is 16 if the girl is inexperienced or if the offender took advantage of his position. [b] The age is 16 in respect of an innocent girl. Proceedings are only taken on complaint of parents or guardian.
(2) **As regards territory formerly Austrian**	M. 14 W. 14		M. 21 W. 21		M. 14 W. 14			
(3) **As regards territory formerly Prussian** [a]	M. 7 W. 7	M. 21 W. 16			M. 14 W. 14	W. 16 [b]		

• See page 7.

TABLE A *(continued)*

TABLE COMPARING THE AGE OF MARRIAGE WITH THE AGE OF CONSENT

A	LEGAL AGE OF MARRIAGE				AGE OF CONSENT AS REGARDS AN INDECENT OFFENCE *			
	B	C	D	E	F	G	H	I
COUNTRY	Minimum age not subject to exception	Minimum age subject to exception	Age under which consent of parent, guardian, judicial authority or other third party is required	Remarks	Age, subject to no exception	Age, subject to special provisos or defences	Age in cases of special relationship	Remarks
31. ROUMANIA				[a] Dispensations may be granted by the King. [b] In exceptional cases the local religious authority may grant dispensation to marry under these ages in Bessarabia, and the Minister of Justice may do so in Transylvania.				[a] The age is 21 years where the offence has been committed by persons belonging to the family or to the household.
(1) Old Provinces		M. 18 [a] W. 15 [a]			M. 14 W. 14			
(2) Bessarabia		M. 18 [a] W. 16 [a]			M. 14 W. 14			
(3) Bukovina	M. 14 W. 14				M. 14 W. 14		M. 21 [a] W. 21 [a]	
(4) Transylvania		M. 18 [a] W. 16 [a]						
32. SALVADOR	M. 16 W. 14				W. 12	W. 21 [a]		[a] It is the offence of rape to violate a *virgin* under 21.
33. SERBS, CROATS AND SLOVENES (KINGDOM OF)				[a] The competent ecclesiastic authority may grant leave to marry under this age. [b] Dispensation to marry under these ages may be granted by the Minister of Justice.				[a] Proceedings are only taken upon private complaint except where the offender is a tutor or guardian or where the victim is in a school or infirmary (hospital).
(1) Territory formerly Serbian	M. 15 W. 13	M. 17 [a] W. 15 [a]			W. 13			
(2) Territory of Voivodine		M. 18 [a] W. 16 [b]				W. 14 [a]	W. 14 [a]	
(3) Croatia and Slovenia	M. 14 W. 14		M. 21 W. 21	Legislation is to be unified and the age of marriage and of consent will be fixed according to the penal codes of other countries and according to local requirements.	M. ? 14 [b] W. ? 14 [b]			[b] These ages have been taken from the age in force in Austria.
(4) Bosnia and Herzegovina	M. 16 W. 16				M. 13 W. 13			

34. **SIAM**	M.) Age of W.) puberty [a]		M. 17 [b] W. 15	[a] The age is not fixed by law but is governed by custom. [b] Minors who marry become *sui juris* after these ages.	M. 12 W. 12			
35. **SOUTH AFRICA**	W. 12					W. 16 [a]		[a] It is a defence to this offence if it can be proved to the Court that the girl is a prostitute or that the offender is under 16.
36. **SPAIN**	M. 16 [a] W. 14 [a] M. 14 [b] W. 12 [b]			[a] Marriageable ages under canon law. [b] Marriageable ages under civil law.	W. 12		W. 23 [a]	[a] The age of the victim is 23 in respect of an offence committed by persons in a position of authority.
37. **SWEDEN**		M. 21 [a] W. 18 [a]	M. 21 W. 21	[a] The King may grant dispensations to marry under these ages.	W. 15			
38. **SWITZERLAND** †		M. 20 [a] W. 18 [a]	M. 21 [b] W. 21 [b]	[a] The Government of the Canton of domicile may declare, if parents or guardians consent, that a man of 18 and woman of 17 are capable of contracting marriage. [b] The consent of parents or guardians is required.	M. Puberty in 5 Cantons [a] 12 in 4 Cantons 14 in 9 Cantons W. 15 in 2 Cantons 16 in 1 Canton			[a] The names of the Cantons are set out in the official reply in Appendix II.
39. **TURKEY**	M. 15 W. 15		M. 18 W. 18		M. 15 W. 15			

* See page 7.
† The age of consent to indecent assault in the proposed Swiss Pena Code is 16 for both sexes. There is a higher age of protection in certain other offences.

TABLE COMPARING THE AGE OF MARRIAGE WITH THE AGE OF CONSENT

COUNTRY	THE LEGAL AGE OF MARRIAGE		THE AGE OF CONSENT	
	Matrimonial Age	Remarks	Age under which consent of the girl is no defence to the offence of carnal knowledge	Remarks
40. **UNITED STATES OF AMERICA**	13 *States* [1] M. 18 W. 16 10 *States* [2] M. 21 W. 18 8 *States & Philippine Islands* [3] M. 14 W. 12 7 *States* [4] M. 18 W. 15 5 *States* [5] M. 17 W. 14 4 *States* [6] M. 16 W. 14 2 *States* [7] M. 18 W. 18 2 *States* [8] M. 21 W. 21 *Kansas* M. 15 W. 12 *New Hampshire* M. 14 W. 13 *South Carolina* M. 18 W. 14	[1] Arizona [a], Delaware [b], California [c], Illinois [a], Indiana, Michigan, Montana, Nebraska, Nevada, Ohio, Porto Rico, West Virginia, Wyoming. [2] Alaska, Colorado [b], Maine [b], Maryland [b], Mississippi [b], Missouri [b], New Jersey [b], Panama Canal Zone [b], Vermont [b], Washington [b]. [3] Florida [d], Iowa [e], Kentucky, Louisiana, Massachusetts, Pennsylvania [d], Philippine Islands, Tennessee, Virginia. [4] Minnesota, New Mexico [d], North Dakota [a], Oklahoma, Oregon, South Dakota, Wisconsin. [5] Alabama, Arkansas [a], Georgia [f], Hawaii, Indian Territory. [6] District of Columbia [a], North Carolina [g], Texas, Utah. [7] Idaho [b], New York [a]. [8] Connecticut [h], Rhode Island [b]. *Notes.* [a] Parental consent necessary for men under 21 and women under 18. [b] Marriages may take place younger with consent of parents or guardians. [c] Marriages at this age only with consent of parents, otherwise the age limits are 21 for men and 18 for women. [d] Parental consent necessary for men and women under 21. [e] By Statute the age limit is for men 16 and for women 14, but the common law rule (14 and 12 respectively) is not repealed. [f] Parental consent necessary for marriage of women under 18. [g] Parental consent necessary for minors under 18. [h] Parental consent necessary for minors and the consent of select man of the town if either party is under 16.	24 *States* [1] W. 16 18 *States* [2] W. 18 3 *States* [3] W. 15 3 *States* [4] W. 12 2 *States* [5] W. 14 *Florida* W. 10 [a]	[1] Alabama, Arkansas, Connecticut, District of Columbia, Illinois [a], Indiana, Maine, Maryland, Massachusetts [a], Michigan, Missouri [a], New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma [a], Oregon [a], Pennsylvania, Rhode Island [a], South Carolina, Vermont, Virginia, West Virginia, Territory under exclusive jurisdiction of U.S.A. [2] Arizona, California, Colorado, Delaware, Idaho, Kansas, Kentucky, Louisiana, Minnesota, Montana, Nevada, New York, North Dakota, South Dakota, Utah, Washington, Wisconsin, Wyoming. [3] Hawaii, Texas [a], Nebraska. [4] North Carolina [b], Mississippi [a], Tennessee [c]. [5] Georgia, Porto Rico. *Notes.* [a] The age is 18 if girl was previously chaste. [b] The age is 16 if girl was previously chaste. [c] The age is 21 if girl was previously chaste. It is a defence between 14 and 21 to prove previous unchastity, or it is a defence between 12 and 14 to prove girl was, before the offence, a bawd, lewd, or kept female. *General Note.* The method of legislating for offences against boys is very varied among the different States, and it has not been possible to correlate the information supplied. Full information on these offences, and also on abduction and on other offences against morality, are to be found in the publication *Laws relating to Sex Offences against Children* issued by the Children's Bureau of the U.S. Department of Labour. It should be observed that in many States the age of consent for a girl is lower where the offender is himself under a specified age or where he is younger than the girl.

A	LEGAL AGE OF MARRIAGE				AGE OF CONSENT AS REGARDS AN INDECENT OFFENCE *			
	B	C	D	E	F	G	H	I
COUNTRY	Minimum age not subject to exception	Minimum age subject to exception	Age under which consent of parent, guardian, judicial authority or other third party is required	Remarks	Age, subject to no exception	Age, subject to special provisos or defences	Age in cases of special relationship	Remarks
41. **URUGUAY**	M. 14 W. 12		M. 25 W. 23		W. 12			
42. **VENEZUELA**	M. 14 W. 12		M. 21 W. 18		M. 15 W. 15	W. 21 [a]		[a] The age is 21 where a virtuous woman has been seduced under promise of marriage.

* See page 7.

TABLE B

TABLE COMPARING THE MINIMUM AGE OF MARRIAGE WITH THE AGE OF CONSENT SUBJECT TO NO EXCEPTION[1]

AGE	MEN			WOMEN		
	AGE OF MARRIAGE		AGE OF CONSENT	AGE OF MARRIAGE		AGE OF CONSENT
	Minimum age subject to no exception	Minimum age subject to exception or to dispensation		Minimum age subject to no exception	Minimum age subject to exception or to dispensation	
Majority	Danzig, Germany.	Denmark, Finland, Iceland, Sweden.				
20		Norway.				
19						
18	Egypt, Estonia, Latvia.	Belgium, Dominican Republic, France, Haiti, Luxemburg, Monaco, Netherlands.			Denmark, Iceland, Norway, Sweden.	
17		Japan.			Finland.	
16	China, Spain (ecclesiastical marriage), Salvador.		Belgium, Great Britain, Norway.	China, Egypt, Estonia, Latvia.	Danzig, Germany, Netherlands (European Territory).	Belgium, Great Britain, Iceland, Irish Free State, Netherlands (European territory), Norway.
15	Turkey.		Finland, Greece, Haiti, Monaco, Turkey.	Turkey.	Belgium, Dominican Republic, France, Haiti, Japan, Luxemburg, Monaco.	Finland, Greece, Haiti, Monaco, Sweden, Turkey, Venezuela.

1 Federal Governments and countries having more than one form of legislation have been omitted from this table.

TABLE B *(concluded)*

TABLE COMPARING THE MINIMUM AGE OF MARRIAGE WITH THE AGE OF CONSENT SUBJECT TO NO EXCEPTION [1]

AGE	MEN			WOMEN		
	AGE OF MARRIAGE		AGE OF CONSENT	AGE OF MARRIAGE		AGE OF CONSENT
	Minimum age subject to no exception	Minimum age subject to exception or to dispensation		Minimum age subject to no exception	Minimum age subject to exception or to dispensation	
14	Austria, Cuba, Spain (civil marriage), Great Britain, Greece, Irish Free State, Italy, New Zealand, Uruguay, Venezuela.		Austria, Danzig, Egypt, Germany, Latvia, Luxemburg.	Austria, Spain (ecclesiastical marriage), Spain (civil marriage), Salvador		Austria, Danzig, Egypt, Germany, India, Latvia, Luxemburg.
13			France, Japan.	* India (in respect of the consummation of marriage).		France, Japan.
12	Hungary.		Hungary, Italy, Siam.	Cuba, Great Britain, Greece, Hungary, Irish Free State, Italy, New Zealand, South Africa, Uruguay, Venezuela.		China, Cuba, Denmark, Hungary, Italy, New Zealand, Salvador, Siam, Spain, Uruguay.
11			Dominican Republic.			Dominican Republic.
10						Estonia.
Undefined	Siam, India.			Siam, India (see * above).		

1 Federal Governments and countries having more than one form of legislation have been omitted from this table.

APPENDIX

EXTRACTS FROM THE LAW OR FROM OFFICIAL REPLIES ON THE AGE OF MARRIAGE AND THE AGE OF CONSENT.

AUSTRALIA

1. NEW SOUTH WALES.

Age of Marriage.

The minimum age of marriage is not determinable. The fact that the age is not determinable is due to the present state of the New South Wales law governing the matter and the State Crown Law Authorities, the Registrar-General's Department and others concerned are unable to give a definite ruling.

Consent of a third party is required for marriage under 21 years of age.

Age of Consent.

Crimes (Amendment) Act 1924.

Section 71. — Whosoever unlawfully and carnally knows any girl of or above the age of 10 years, and under the age of 16 years, shall be liable to penal servitude . . .

Section 72. — Whosoever attempts unlawfully and carnally to know any girl above the age of 10 years, and under the age of 16 years, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude . . .

Section 73. — Whosoever, being a schoolmaster or other teacher, or a father, or stepfather, unlawfully and carnally knows any girl of or above the age of 10 years, and under the age of 17 years, being his pupil, or daughter, or stepdaughter shall be liable to penal servitude. . .

Section 74. — Whosoever, being a schoolmaster or other teacher, or a father, or stepfather, by any means attempts unlawfully and carnally to know any girl of or above the age of 10 years, and under the age of 17 years, being his pupil, or daughter, or stepdaughter, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude . . .

Section 77. — The consent of the woman, girl, pupil, daughter, or stepdaughter shall be no defence to any charge under Sections 71, 72, 73, or 74 of this Act, or, if the female be under the age of 16 years, to any charge under Section 76 of this Act:

Provided that it shall be a sufficient defence to any charge which renders a person liable to be found guilty of an offence under Sections 71 or 72 of this Act, or if the female be under the age of 16 years, to any charge under Section 76 of this Act, if it be made to appear to the court or jury before whom the charge is brought:

(*a*) That the girl was over the age of 14 years at the time of the alleged offence; and
(*b*) That she consented to the commission of the offence; and
(*c*) either:

(i) That she was at the said time a common prostitute or an associate of common prostitutes; or
(ii) That the person so charged had at the said time reasonable cause to believe and did in fact believe that she was of or above the age of 16 years.

Section 78. — No prosecution in respect of any offence under Sections 71, 72, or 76 of this Act shall, if the girl in question was at the time of the alleged offence over the age of 14 years and under the age of 16 years, be commenced after the expiration of twelve months from the time of the alleged offence.

Crimes Act 1900.

Section 81. — Whosoever commits an indecent assault upon a male person of whatever age, with or without the consent of such person, shall be liable to penal servitude. . .

2. QUEENSLAND.

Age of Marriage.

All persons under the age of 21 years must obtain the consent of their parents (if in the State) to their marriage (Queensland Registrar-General).

The legal age of marriage is 14 for a male and 12 for a female.

Age of Consent.

Criminal Code Act 1899.

Section 210. — Any person who unlawfully and indecently deals with a boy under the age of 14 years is guilty of a crime . . .

The term "deal with" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

Section 215. — Any person who has or attempts to have unlawful carnal knowledge of a girl under the age of 17 [1] years . . . is guilty of a misdemeanour . . .

It is a defence to a charge . . . in this Section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of 17 [1] years.

A prosecution for either of the offences firstly defined in this Section must be begun within six [1] months after the offence is committed.

A person cannot be convicted of any of the offences defined in this Section upon the uncorroborated testimony of one witness . . .

Section 216. — Any person who unlawfully and indecently deals with a girl under the age of 17 [1] years is guilty of a misdemeanour . . .

It is a defence to a charge of the offence defined in this Section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of 17 [1] years . . .

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[1] Amended by Section 2 of The Criminal Code Amendment Act of 1913 (No. 2). (A copy of this Amendment Act has not been submitted.)

The term "deal with" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

3. SOUTH AUSTRALIA.

Age of Marriage.

No Act of Parliament regulates this. State Registrar-General follows established custom in England of regarding 14 for male and 12 for female as the age at which marriages may be solemnised.

The Marriage Act 1867.

Section 25. — If either party to any intended marriage, not being a widower or a widow, shall be under the age of 21 years, no certificate authorising such marriage shall be issued, nor shall any licence for such marriage be granted without the production to the Registrar-General, District Registrar, officiating minister, or officiating registrar, as the case may be, of the written consent of the parent or guardian of the said minor, to the said marriage: Provided that if the applicant for such certificate or licence shall . . . show that such parent or guardian is not resident in the said province, or shall assign other satisfactory grounds for not having obtained such written consent, the same may . . . be dispensed with; and thereupon such certificate or licence may be issued as if such parties were both of full age.

Age of Consent.

The Children's Protection Act 1899.

Section 3. — The age of consent is hereby raised from 16 years to 17 years, so that, except when the accused is under the age 17 years, consent shall be no defence in any case relating to a child under 17 years of age in which it would not before the passing of this Act have been a defence in a case relating to a child under 16 years of age: Provided always that in cases of alleged offences where the female is between the ages of 16 and 17 years consent of such female shall be a defence if the defendant had reasonable ground for believing that the female was of or above the age of 17 years.

The Criminal Law Consolidation Act 1876.

Section 9. — No child under the age of 16 years shall be deemed capable of consenting to any indecent assault, and no person under the age of 18 years shall be deemed capable of consenting to any indecent assault committed by the guardian, teacher, or schoolmaster of such person.

Section 11. — Any person who, being the guardian, teacher, or schoolmaster of any female under the age of 18 years, unlawfully and carnally knows, or attempts to have unlawful and carnal knowledge of such female, shall be guilty of a misdeameanour . . .

4. TASMANIA.

Age of Marriage.

The legal age of marriage is 14 for a male and 12 for a female. Consent of parents, etc., is required for marriages under 21.

Age of Consent.

Criminal Code Act 1924.

Section 124. — (1) Any person who has unlawful carnal knowledge of a girl under the age of 18 years is guilty of a crime.

Charge: Defilement of a girl under 18 years of age.

(2) In any case in which the accused person is under the age of 21 years, it is a defence to a charge under this Section to prove that he in fact believed on reasonable grounds that the girl was over the age of 18 years.

(3) In any case in which the accused person is under the age of 21 years, and the girl is over the age of 16 years, the consent of the girl shall be a defence to a charge under this Section.

(4) In any case in which the accused person is under the age of 15 years and the girl is over the age of 12 years, the consent of the girl shall be a defence to any such charge.

(5) In any case in which the accused person is under the age of 16 years, and the girl is of the same age or older than such person, her consent shall be a defence to any such charge.

(6) Except as hereinbefore provided, the consent of the girl shall in no case be a defence to any such charge.

5. VICTORIA.

Age of Marriage.

Marriage Act 1915.

Section 40. — Every consent to the marriage of any person who is under the age of 21 years shall be in such form as may be prescribed in rules and regulations made pursuant to this Part or to the like effect.

Age of Consent.

Crimes Act 1915.

Section 44. — (1) Whosoever unlawfully and carnally knows any girl of or above the age of 10 and under the age of 16 years shall be guilty of felony and shall be liable to imprisonment for a term . . .; but if he is a schoolmaster or teacher, and such girl his pupil, he shall be liable to imprisonment for a [longer] term . . .

(2) Whosoever attempts to have unlawful carnal knowledge of any girl of or above the age of 10 and under the age of 16 years, or assaults any such girl with intent unlawfully and carnally to know her, shall be guilty of a misdemeanour, and shall be liable, to imprisonment for a term . . .; but if he is a schoolmaster, or teacher and such girl his pupil, he shall be liable to imprisonment for a [longer] term . . .

Section 45. — It shall be no defence to a charge for unlawfully and carnally knowing, or for attempting or for assaulting with intent unlawfully and carnally to know any girl under the age of 16 years, that such carnal knowledge or attempt to have carnal knowledge or assault with intent was attempted or was made with the consent of such girl unless such girl is older than or of the same age as the defendant.

Section 46. — (1) If any person of or above the age of 21 years unlawfully and carnally knows any unmarried female of or above the age of 16 and under the age of 18 years, he shall be guilty of an indictable offence . . .

(2) It shall be no defence to any charge, presentment, indictment or information for an offence under this Section that such carnal knowledge was with the consent of such female.

(3) In this Section the expression " female " does not include a female who with her consent has previously had intercourse with a male person.

Section 47. — No prosecution for an offence against a girl of or above 12 years of age under the provisions of Section 44 or against a female of or above 16 years of age under Section 46 shall be commenced more than twelve months after its commission.

Crimes (Acts of Indecency) Act 1919.

Section 4. — It shall be no defence to a charge for an indecent assault on a male person under the age of 16 that such assault was made with the consent of such male person.

6. WESTERN AUSTRALIA.

AGE OF MARRIAGE.

The legal age of marriage is 14 for a male and 12 for a female.
Consent of parents, etc., is required for marriages under 21.

AGE OF CONSENT.

Criminal Code Amendment Act 1918.

Section 7. — (1) Section 188 of the Code is hereby repealed, and the following Sections inserted in lieu thereof:
187. (1) Any person who has or attempts to have unlawful carnal knowledge of a girl under the age of 16 years is guilty of a crime...
Provided that if the offender's age does not exceed 21 years he is guilty of a misdemeanour...
(2) It is a defence to a charge of either of the offences defined in this Section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of 16.
(3) A prosecution under this Section for the offence of having unlawful carnal knowledge must be begun within six months and for the offence of attempting to have unlawful carnal knowledge within three months, after the offence has been committed.
(4) A person cannot be convicted of either of the offences defined in this Section upon the uncorroborated testimony of one witness.

Section 8. — Section 189 of the Code is hereby repealed, and the following Section is hereby inserted in lieu thereof:
189. (1) Any person who unlawfully and indecently deals with a girl or woman:

(i) Who is under the age of 16 years; or
(ii) Who is under the age of 17 years, and of whom the accused person is a guardian, employer, teacher or schoolmaster,

is guilty of a crime, and is liable to imprisonment...
(3) If a person accused of the offence of unlawfully and indecently dealing with a girl under the age of 16 years proves that the act committed was done with the consent of the girl, that she was in fact of or over the age of 13 years, and that he believed at the time on reasonable grounds that her age was greater than stated in the indictment, he shall be in the same position as if her age had in fact been such as he so believed it to be.

AUSTRIA

AGE OF MARRIAGE.

Civil Code.

Article 21. — (As worded in Article 1 of the Law of February 6th, 1919, State Legal Gazette No. 96): Persons who, by reason of being under the legal age...shall be placed under the special protection of the law,... include children who have not completed their seventh year; boys and girls under marriageable age who have not completed their fourteenth year, and minors who have not completed their twenty-first year...

Article 48. — ...Children under marriageable age shall be considered incapable of contracting a valid marriage.

Article 49. — Minors...shall...be disqualified from contracting a legal marriage without the consent of their legitimate father. Should the father be deceased or incapable of acting on their behalf, the marriage of such persons shall only be valid if, in addition to a declaration from their regular guardian or trustee, they have also obtained the consent of the legal authorities.

Article 50. — Minors who are illegitimate children can only contract a valid marriage if, in addition to a declaration from their guardian, they also obtain the consent of the legal authorities.

AGE OF CONSENT.

Penal Code.

Article 127. — Attempt at extra-conjugal sexual intercourse with a female who...has not yet completed her fourteenth year shall be regarded as rape and be punishable under Article 126.

Article 128. — Any person who for the purpose of satisfying his lust shall have committed improper actions on the person of a boy or girl under 14 years... in a manner other than that referred to in Article 127, and should such act not constitute the crime dealt with in Article 129*b*, shall be guilty of the crime of indecent assault and shall be punished... and in the case of exceptionally aggravating circumstances this sentence may be raised.

BELGIUM.

AGE OF MARRIAGE.

Civil Code.

Article 144. — Males who have not reached the age of 18, and females who have not reached the age of 15, cannot contract marriage.

Article 145. — For urgent reasons, however, the Crown has power to grant dispensations in regard to the age-limit.

Royal Decree.

January 5th, 1864. — Royal Decree regulating the method of issuing dispensations relating to marriage (*Moniteur*, January 10th, 1864).

Article 1. — Dispensations allowing marriage before the age of 18 in the case of males or 15 in the case of females, and dispensations allowing marriage within the prohibited degrees between brother-in-law and sister-in-law when marriage has been dissolved by the natural death of one of the parties, or between uncle and niece or aunt and nephew, shall be granted by Us for urgent reasons, on the report of our Minister of Justice.

Article 2. — Dispensations from the second publication of banns of marriage shall be granted in our name for urgent reasons, which must be notified to our Minister of Justice, by our procurators (*procureurs*) of the courts of first instance in whose jurisdiction the grantees propose to celebrate their marriage.

Article 3. — Our Minister of Justice shall send the grantees the dispensations granted by Us, and our procurators at the courts of first instance shall send them the dispensations granted by them in our name, such dispensations being kept attached to the marriage certificate.

AGE OF CONSENT.

Penal Code.

Article 372 (Law of May 15th, 1912, Article 48). — Any indecent act unaccompanied by violence or threats committed on the person or by the aid of the person of a child of either sex under 16 years of age shall be punishable by confinement with hard labour (*réclusion*).

An indecent act unaccompanied by violence or threats committed by any ascendant on the person or by the aid of the person of a minor, whether the latter has reached the age of 16 or not, if he or she is not emancipated by marriage, shall be punishable by penal servitude (*travaux forcés*) ...

Article 375 (Law of May 15th, 1912, Article 50). — The sole fact of carnal connection with a child under 14 years of age shall be taken to constitute rape with violence. In such cases the punishment shall be penal servitude (*travaux forcés*) ...

CHINA

AGE OF MARRIAGE.

Under the laws at present in force, the legal age at which marriage can be contracted is 16 years for both sexes (Official reply dated November 11th, 1925).

AGE OF CONSENT.

As regards attenuating or aggravating circumstances in respect of age, paragraph 2 of Article 285 of the Provisional Criminal Code of the Chinese Republic lays down that a sexual offence with a girl under 12 years of age is always regarded as having been committed without her consent, and is therefore punishable with the first or second category of banishment. The fact that the criminal has previously obtained the consent of his victim may not be invoked as a ground for reducing the sentence.

CUBA.

AGE OF MARRIAGE.

Civil Code, Part IV, Chapter I.

Section 1. — *The Nature of Marriage.*

Article 45. — The following are forbidden to contract marriage:

1. Persons under twenty-one years of age, unless they have obtained permission.

Chapter III.

Section 1. — *The Capacity of the Contracting Parties.*

Article 83. — Marriage cannot be contracted by:

(1) Males who have not completed their fourteenth year and females who have not completed their twelfth year.

Nevertheless, a marriage contracted by children who have not reached the age of puberty shall be, *ipso facto*, confirmed without the necessity of any special declaration, provided they have lived together for one day after reaching the legal age of puberty without lodging any appeal against the validity of the marriage, or if the girl has conceived before the legal age of puberty or before proceedings have been instituted.

AGE OF CONSENT.

Penal Code, Part IX. — Offences against Morals.

Chapter II.

Article 453. — The rape of a woman shall be punished with a term of penal servitude . . .

Paragraph 3. When she is under 12 years of age, even if none of the circumstances mentioned in the two preceding paragraphs were present.

Chapter IV. — Defilement and Corruption of Minors.

Article 459. — The defilement of a girl over 12 and under 20 by a public official, priest, domestic servant, guardian, teacher or other person in any way responsible for the education or protection of the victim shall be punished with imprisonment in the first or second degree.

The same punishment shall be imposed upon anyone who defiles his sister or relative in the descending line, even if she is over 20.

The defilement by guile of a female over 12 and under 20 by any other person shall be punished with the maximum term of imprisonment.

Article 462. — Anyone who habitually or by abuse of authority or of confidence causes or facilitates the prostitution or corruption of minors to satisfy the desires of others shall be punished with imprisonment in the first or second degree, and, in the case of a public servant, shall be temporarily relieved of all his functions.

Chapter X. — Abduction.

Article 465. — The abduction of a girl less than 20 and more than 12 years of age, if carried out with her consent, shall be punished with imprisonment in the first or second degree.

CZECHOSLOVAKIA.

Age of Marriage.

According to Article 48 of the Civil Code of 1811, which is in force in Bohemia, Moravia and Silesia, persons under 14 years of age cannot contract matrimony.

The consent of the father, or, failing the father, of the legal representative, and the Court responsible for supervising the guardianship are, however, required in the case of persons who have not attained their majority (*i.e.*, persons under 21 years of age).

This is not the case in Slovakia or in Sub-Carpathian Russia. The age-limit for persons who wish to marry is reduced to 12 (Articles 6 and 127*a* of Law XXXI of 1894). Article 7 of this law, however, forbids marriage before the nubile age has been reached, that is to say, 18 in the case of the man and 16 in the case of the woman.

Special exemptions from these provisions may be granted by the Prefect (Zupan, that is to say, the Head of the Administration of the Department) (Article 26 of the Law No. 320 of May 22nd, 1919, Article 11 of Law No. 113 of April 14th, 1924).

Minors cannot contract matrimony without the consent of their legal representative. When such representative is neither the father no the mother, minors under 20 must, in addition, obtain the consent of the officially "authorised" father or mother, or failing any "authorised" father or mother, the consent of the Court responsible for the guardianship of the minor.

Age of Consent.

Penal Code.

In general, children under 10 years of age (in Slovakia and Sub-Carpathian Russia, 12 years of age) are held in penal law to be *incapax doli*.

Articles par. 127 a, 126 of the Penal Code of May 27th, 1852 /117: Sexual relations with a girl under 14 years of age regarded as rape (Notzucht—nasilne smilstvo), and are punishable... If the health of the victim is seriously impaired or the victim's life endangered, the penalty is increased...

Article 128. — Any person misconducting himself with a child of either sex for the purpose of satisfying his passions, but without *consummatio*, is guilty of indecent assault (zprzneni — Schändung), and must be sentenced to a term of imprisonment with hard labour... Should there be any aggravating circumstances, sentence may be increased...

Under Articles 236 *and* 237 of Law V of 1878 in force in Slovakia and Sub-Carpathian Russia, sexual intercourse with an innocent girl under 14 years of age shall be regarded in these territories as indecent assault...

N.B. — There is a new Civil Code under consideration for the whole of Czechoslovakia, and also a new draft Penal Code. The provisions of these draft codes relevant to the age of marriage and age of consent can be consulted at the Secretariat.

DANZIG.

Age of Marriage.

Civil Code.

Article 1303. — A male may not contract matrimony before coming of age or a female before completing her sixteenth year.

This regulation may be waived in the case of females.

Article 2. — Minors shall attain their majority on reaching the age of 21.

Article 3. — A minor who has attained the age of 18 may be declared by the Court for the protection of minors to have reached his or her majority.

On coming of age, declaration being made, a minor shall be deemed to have attained the legal status of an adult.

Article 1304. — Persons who are not fully capable of conducting their own affairs must obtain the consent of their legal representative before contracting matrimony.

Should the legal representative be the guardian of the minor, and should he refuse consent, the Court for the protection of minors may, on the application of the ward, give its consent instead. It shall do so if the marriage is in the interests of the ward.

Article 1305. — A legitimate child must, if under the age of 21, obtain the consent of the father to the marriage; an illegitimate child must, if under the aforesaid age, obtain the consent of the mother. The mother's consent shall be given in place of the father's if the latter has died or has forfeited his parental rights under Article 1701. A child declared legitimate shall not require the mother's consent even if the father is dead.

In case of the death of the father or mother, the position is the same as if the father or mother were permanently incapacitated from declaring the status of the child or if his or her address were permanently unknown.

Age of Consent.

Article 176, No. 3. — Any person who is guilty of immoral conduct towards persons under 14 years of age or who induces such persons to practice or tolerate such conduct shall be liable to penal servitude...

Article 182. — Any person who seduces a virgin girl of less than 16 years of age shall be liable to imprisonment...

Article 174. — The following persons shall be liable to penal servitude for not more than five years:

Guardians who are guilty of immoral conduct towards their wards, adoptive or foster-parents towards their children and ministers of religion, teachers or tutors towards their scholars or pupils, being minors...

DENMARK.

Age of Marriage.

Under *Article* 6 of the Law of June 30th, 1922, concerning the contracting and dissolution of marriage, a man under 21 years of age and a woman under 18 years of age may not contract marriage. Special dispensation may, however, be granted by Royal Decree ; such dispensation is generally granted to men who have completed their nineteenth or twentieth year, and to women who have completed their sixteenth year. In other cases, dispensation is only granted when special circumstances warrant such action.

Age of Consent.

Penal Law of 1866.

Article 166. — Any person who abuses his position to seduce his foster-child or ward or any female placed in his charge for purposes of tuition or education shall be liable to penal servitude . . . If the parties marry, however, the punishment is remitted.

Article 173. — Any person who has improper relations with a female child under 12 years of age shall be liable to penal servitude...

Article 174. — Any person who seduces a female child between the ages of 12 and 16 years shall be liable to ordinary imprisonment..., or if there are aggravating circumstances, to penal servitude... Proceedings will only be taken, however, at the instance of the parents or guardian of the victim.

Article 176. — If an offender under Articles 173 and 174 is guilty only of improper conduct, but not of carnal relations, the punishment shall be correspondingly less.

DOMINICAN REPUBLIC.

Age of Marriage.

In accordance with Law 68 of the National Congress, dated November 19th, 1924, which modifies Part V, Chapter I, of our Civil Code, the legal age of marriage is 18 for a male and 15 for a female; " but the judge of the first instance may, if he thinks valid reasons exist, grant a dispensation from the age-limit ".

Persons over 21 years of age in possession of their legal rights may contract matrimony freely without the consent of their parents; but persons under 21 years of age require the consent of their parents, of their surviving parent, of their grandparents or of the family council, as the case may be.

The provisions relating to legitimate children are applicable to illegitimate children recognised by their parents; in the case of illegitimate children not recognised, if they are under 21 years of age, they must obtain the consent of an *ad hoc* guardian appointed by the mayor-magistrate of the place in which they reside.

Age of Consent.

Penal Code, Part II, Chapter I, Section IV.

Article 331. — Outrages against decency, unaccompanied by violence, or the attempt of such outrage committed against a child of either sex under 11 years of age shall be punished by penal servitude. The same penalty shall be applicable to a relative in the ascending line committing an outrage against a minor even above 11 years of age, provided such minor is not emancipated by marriage.

Article 333. — The fact that the persons committing the above offences are relatives in the ascending line, guardians, teachers, tutors or paid servants of the person against whom the offence is committed; or the fact that they are helped by other persons in committing the offence; or the fact that they are public officials or employees or ministers of religion is considered as an aggravating circumstance and the penalties vary according to cases between the maximum term of hard labour and penal servitude.

Article 355. — Any person who, without the use of violence, renders pregnant a girl under age hitherto reputed of good moral character shall be liable to the penalties mentioned. . . .

EGYPT.

Age of Marriage.

Article 2 of Law No. 56 of 1923. — A second paragraph is added to Article 366 of the Law (No. 31 of 1910) as follows:

" A contract of marriage or the recognition of a marriage claimed to have been concluded before the coming into force of the present law may be sanctioned if, at the time of marriage, the woman was 16 years old and her husband 18. "

Age of Consent.

Penal Code.

Article 230. — Rape shall be punished with penal servitude for life or for a definite shorter period.

If the offender is a relative in the ascending line of the person upon whom the crime has been committed, if he is among those entrusted with the education or supervision of, or with authority over, the victim, or if he is the paid servant of such person or the paid servant of the persons referred to above, the penalty shall be penal servitude for life.

Article 232. — Anyone committing an offence against decency, without violence or threats, upon the person of a child under 14 shall be punished with imprisonment.

If the offence is committed upon the person of a child under 7, or if it is committed by one of the persons mentioned in the second paragraph of Article 230, the penalty shall be a term of penal servitude, but not for life.

ESTONIA.

Age of Marriage.

Article 2. — Marriage Law *(Moniteur d'Etat,* No. 138/22). — The minimum age at which marriage is allowed in Estonia is 18 for men and 16 for women.

Age of Consent.

In virtue of existing laws, sexual relations with girls under 10 are strictly forbidden, nor shall the consent of the girl in any degree reduce the punishment of the offender. Sexual relations with a girl between 10 and 14 who is still *virgo intacta* are forbidden, and the consent of the victim in no wise diminishes the punishment of the offender, since it is presumed that the accused, even when the girl's consent has been obtained, has taken wrongful advantage of her innocence and ignorance. If, however, the girl was no longer *virgo intacta* and had given her voluntary consent to sexual relations, such act is not regarded as criminal.

FINLAND.

Age of Marriage.

The legal age of marriage according to Finnish law is 21 for a man (age of attaining majority) and 17 for a woman. The law, however, in certain unspecified cases, allows age dispensations to be granted by a decision of the Supreme Court. Furthermore, a Decree of December 8th, 1756, which is still applied, allows young men in settled circumstances, *i.e.*, who support themselves by means of some salaried occupation or by the exercise of a trade, to marry as soon as they are 18. (It should be pointed out that the legislative power is in course of reorganising the Finnish matrimonial system, which is out of date.)

AGE OF CONSENT.

Penal Code (Text as amended on February 5th, 1926).

Chapter XX.

Article 6. — Anyone who has engaged in sexual intercourse with his or her adoptive child, ward or other person for whose education or instruction he or she is responsible, or shall have committed other indecent acts with such person, shall be punished with confinement . . .

The same penalty shall apply to anyone employed in a public institution or establishment who shall have engaged in sexual intercourse with a person admitted to such institution or establishment to be guarded or detained there, or who has committed other indecent acts with such person.

Article 7. — Anyone who has engaged in sexual intercourse or has committed other indecent acts with a child under 15 years of age shall be punished by confinement . . .

If the offence has been committed with a person over 15 but under 17 years of age who has not led an immoral life, the penalty shall be confinement or imprisonment for a period not exceeding two years or a fine.

Attempts to commit these offences shall also be punishable.

Article 14 *a.* — Proceedings cannot be taken in the cases referred to in Articles 7 . . . if the person against whom the offence has been committed was over 15 years of age at the time or was over 17 years of age when the accusation was made.

FRANCE.

AGE OF MARRIAGE.

Civil Code.

Article 144. — Marriage may not be contracted by a male under 18 or a female under 15.

Article 145 (modification). — The 1804 edition has: The Government may, however, grant age dispensations if there are serious reasons.

Article 148 (as modified by the Law of June 21st, 1907). — A son or daughter, not having completed twenty-one years of age, may not contract marriage without the consent of both father and mother; if the parents disagree, the father's consent shall be sufficient.

Article 151 (as amended or replaced by the Laws of June 20th, 1896; June 21st, 1907; August 9th, 1919, and April 28th, 1922). — Children between the ages of 21 and 25 inclusive are required to obtain the consent of their parents or of whichever is still living. Failing this consent, the person concerned shall notify the projected marriage, in the form laid down in Article 154, to the parent or parents whose consent has not been obtained. Fifteen clear days after such notification the marriage may be proceeded with. The present article shall not apply to persons contracting a second or subsequent marriage.

AGE OF CONSENT.

Under *Article* 331 of the Penal Code, offences against morality can only occur *without violence* in two cases: (1) if the victim was a child of less than 13 years; (2) if the offence was committed by an ascendant on the person of his descendant, the latter being a minor of less than 21 years and not emancipated by marriage.

GERMANY.

AGE OF MARRIAGE.

Civil Code.

Under *Article* 1303, a female may not contract marriage before the age of 16; exceptions to this rule may, however, be allowed. A male may contract marriage when he comes of age.

AGE OF CONSENT.

Penal Code.

Under *Article* 176, *paragraph* 3, any person committing offences against morality with persons under 14 years of age, or inducing such persons to commit or suffer such offences, shall be liable to imprisonment . . .

Under *Article* 182, any person seducing a virgin under 16 years of age shall be liable to imprisonment for a period not exceeding one year. Prosecution shall only be undertaken at the request of the parents or guardian of the person seduced.

Under *Article* 174, *paragraph* 1, clergy, teachers and tutors who commit acts of indecency with their pupils or wards under age shall be liable to imprisonment . . .

A person ceases to be a minor on the conclusion of the twenty-first year, but in certain special circumstances a minor may be declared of age on the conclusion of the eighteenth year.

GREAT BRITAIN

AGE OF MARRIAGE.

Consent is a necessary element of marriage under English law, and the age at which consent can be given is 14 for a male person and 12 for a female.

A marriage under that age is voidable by either party on attaining the age of consent.

The consent of the parents or parent or guardian is ordinarily required for the marriage of any person under 21, but such a marriage without consent is not invalid.

AGE OF CONSENT.

1. Indecent assault on a child under 16 is an offence even though the child consents to the assault.
2. Unlawful carnal knowledge of a girl under 16 is a misdemeanour. . .; if she is under 13, the offence is a felony . . .
3. No charge of rape can be sustained against a person under 14 years of age.

GREECE.

AGE OF MARRIAGE.

With regard to the first of these two questions, Greece does not yet possess a Civil Code, and the provisions of Roman and Byzantine law on the matter are still in force. Thus, a marriage concluded before the age of puberty (14 for boys and

12 for girls) is invalid unless it has continued up to the time when the parties reach the age of puberty, in which case it has the effect of a valid marriage.

The father's consent is necessary for the contraction of a valid marriage by minors. Majority is reached at the age of 21. If no request for the annulment of a marriage contracted by a minor without his father's consent is submitted up to the date when the minor attains his majority, the marriage is regarded as valid and produces its full effects.

Should the father refuse his consent without any reason such consent may be asked from and granted by the court.

Age of Consent.

Penal Code: C. Seduction of a Minor.

Article 274. — Anyone who, apart from the cases provided for in the preceding article (rape), is guilty of seducing a person under 15 shall be liable to the same penalties as the person who commits rape . . .

Article 275. — Should a stepmother or nurse, guardian or teacher, custodian or concierge of a public building or in particular a person in charge of religious teaching or in holy orders be guilty of the act in question in respect of their spiritual children or the pupils or wards for whom they are responsible, the nature of their office and their relation to the victim shall be regarded as an aggravating circumstance in estimating and applying the penalty.

Article 279*a*. — Anyone over 18 who abuses the confidence of a girl under age or profits by her inexperience to indulge in sexual intercourse with her shall, provided she is a girl of good character, be punished by imprisonment . . . Nevertheless, the act shall not be punishable if it is followed by marriage with the victim.

HAITI.

Age of Marriage.

Civil Code: Extract from Law No. 6 on Marriage.

Article 133.— A man must be 18 and a woman 15 before they may contract a lawful marriage.

Nevertheless, the President of Haiti may grant exemption from this clause if there are important reasons for doing so (Civil Code 150, 170, 1184).

Age of Consent.

Civil Code: Extract from Law No. 4 on Crimes and Offences and their Punishment.

Article 270. — Anyone committing or using violence in committing or attempting to commit rape, or any other offence against decency upon individuals of either sex, shall be punished by solitary confinement (Civil Code 311, Penal Code 18, 20, 21, 23, 31).

Article 280. — If the offence has been committed upon the person of a child under 15, the guilty person shall be sentenced to a specific term of penal servitude (Penal Code 7-30, 18, 19, 21, 31, 281, 283).

Article 281. — The penalty shall be penal servitude for life if the persons found guilty are included among those who have authority over the person upon whom they have committed the offence, if they are the teachers or paid servants of such person, if they are public officials or clergymen or if the guilty person, of whatever degree, had been aided in his offence by one or more persons (Penal Code 7-20, 17, 18, 23, 31, 282, 283).

If the victim dies as a result of the act, the guilty person shall be sentenced to death.

HUNGARY

Age of Marriage.

1894: XXXI.

Section 6. — A person who is an incapable (Section 127) cannot contract a marriage [1].

Section 7. — A person who is of undeveloped age cannot contract a marriage. A person of the male sex reaches the developed age on the completion of his eighteenth year and a person of the female sex at the end of her sixteenth year.

The Minister of Justice may grant dispensations.

Section 8. — A minor cannot contract a marriage without the consent of his legal representative.

If the legal representative of a minor under 20 years of age is not the competent *(berechtigt)* father or mother, the consent of the father or mother is also necessary for his marriage, or, if no parents are living, the consent of the guardianship authority. Such consent is not necessary if the grandfather of the minor is his legal representative.

If the legal representative or the father or the mother refuse to grant their consent, the consent of the guardianship authority shall be sufficient for the purpose.

Section 9. — The father is competent to give the necessary consent, or, if the father is not living or the child is illegitimate, the mother . . .

The guardianship authority shall decide whether the parents are prevented from giving the necessary consent.

Section 10. — The guardianship authority shall not take a decision without hearing the minor and shall have regard solely to his interests.

1877: XX.

Section 1. — A person attains his majority when he has completed his twenty-fourth year.

In the case of persons of the female sex the provisions of Law No. XXIII of 1874 shall remain in force.

Age of Consent.

Penal Code.

Article 236. — A man having sexual relations with a virtuous young girl under 14 years of age shall be guilty of the crime of indecent assault.

Article 238. — Prosecutions for the offences named in the above articles cannot, in general, be set on foot save on an accusation brought by the party injured, but once an accusation has been brought it cannot be withdrawn.

Extract from Official Communication of May 2nd, 1928.

The Hungarian Penal Code fixes the limit of general penal protection at twelve years; according to the case-law regularly applied by the Courts, persons under this age are *incapax doli*, so that their consent to an offence against decency of which they are the victims can in no case exculpate the perpetrator. Such acts must in every case be regarded as acts of violence and described as rape (paragraph 232 of the Penal Code) or as offences against decency (paragraph 233).

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1 *Section* 127. — For the purposes of the present Law, the expression " incapables " shall be taken to mean persons under 12 years of age.

ICELAND.

Age of Marriage.

Ad 1. — Under Iceland's Law No. 39 of 1921, males under 21 and females under 18 may not marry without special authorisation from the Iceland Ministry. In the case of young persons under 21 who desire to contract marriage, the consent of the parents is necessary.

In cases in which the husband or the wife are not of the minimum age required, the Ministry only grants permission in exceptional cases to males under 20 and females under 17. Young men between the ages of 20 and 21 and girls between 17 and 18 experience no difficulty in obtaining permission when sufficient reasons are adduced in support of their request and when there is no doubt as to their physical and intellectual maturity; in this case the consent of parents or guardians is also necessary.

Age of Consent.

Penal Code for Iceland, June 25th, 1869.

Paragraph 175. — Any person seducing a girl between the ages of 12 and 16 shall be punishable with ordinary imprisonment...or, should there be aggravating circumstances, hard labour... Proceedings shall only be taken, however, at the request of the parents or guardian.

INDIA.

Age of Marriage.

It is necessary to distinguish:

(*a*) The age at which marriage may lawfully be contracted; and,
(*b*) The age at which it may lawfully be consummated.

(*a*) It is only in the following cases that the law in force in British India imposes any restrictions on the age at which a marriage may be contracted:

1. Under Section 60 of the Indian Christian Marriage Act, 1872, the age of a native Christian seeking to be married must exceed 16 years in the case of the man and 13 years in the case of the woman.

2. Under Section 2 of the Special Marriage Act, 1872—an Act which provides the only means of legal marriage between parties neither of whom profess any of the recognised religions of India and an optional means of marriage between parties both of whom profess the Hindu, Buddhist, Sikh or Jaina religion — parties marrying under the Act must have attained the age of 18 years in the case of the man and 14 years in the case of the woman.

Save to the extent of application of one or other of these provisions, the statutory and personal law in force in British India permits of a man or woman contracting marriage at any age.

(*b*) Marriage cannot legally be consummated until the wife has attained the age of 13 years. This position, which is of universal application throughout British India, results from the inclusion in the definition of the offence of rape in Section 375 of the Indian Penal Code, as amended by the Indian Penal Code Amendment Act, 1925, of sexual intercourse by a man with his own wife whether with or without her consent, if the wife is under 13 years of age. The law does not impose any requirement in respect of the age of the husband and a husband of any age is free to consummate his marriage.

Age of Consent.

(*a*) Under *Section* 375 of the Indian Penal Code, sexual intercourse is rape whether the woman is or is not a consenting party if the woman has not attained the age of 14, or, where married to the offender, of 13 years. Where the woman is married to the offender, the law differentiates between the maximum punishment awardable according as she is over or under 12 years of age. If she is under 12 years, the husband is punishable with the ordinary punishment for rape, *i.e.*, transportation for life or imprisonment of either description for ten years, to which fine may be added. If she is over 12 but under 13 years, the husband is punishable only with imprisonment of either description for ten years, to which fine may be added. If she is over 12 but under 13 years, the husband is punishable only with imprisonment of either description for a period not exceeding two years or with fine or with both.

(*b*) *Section* 361 read with *Section* 366 of the Indian Penal Code and *Sections* 366 A, 366 B, 372 and 373 of that Code punish certain acts which are, or may be, preliminary to offences against morality when the acts are done to persons under a stated age, the acts as such not being punishable when done to persons above that age.

IRISH FREE STATE.

Age of Marriage.

There has been no change in the law in regard to the age of marriage and consent since the establishment of the Saorstat. The minimum age at which marriage is legal is 14 years for males and 12 years for females. It is necessary to obtain the consent of the parents or guardians where the contracting parties or either of them are under the age of 21, but in the absence of such consent the marriages, though voidable, are not void.

Age of Consent.

The age of consent is 16 years and where the girl is under the age of 13 years the crime is punishable as a felony.

ITALY.

Age of Marriage.

Civil Code.

Article 55 provides that a male person may not contract marriage before he is 18 and a female before she is 15. Nevertheless, the Attorney-General of the Court of Appeal in the district in which one or other of the parties resides may grant exemption to a male of 14 and a female of 12 (Article 1 of the Royal Decree, Law of December 28th, 1919, No. 2561, to be read in connection with Article 68 of the Civil Code).

Articles 63 *and* 64. — Independently of the age-limit mentioned above, it is further necessary in order to contract marriage that men under 25 and women under 21 should obtain the consent of the father and mother, or, failing parents, of the grandparents.

AGE OF CONSENT.

Penal Code.

Article 331. — As regards offences against morals, carnal connection with a person of either sex is considered as rape *(violenza carnale)* when that person at the time of the act was under 12 or, if the offender is a relative in the ascendant line or the guardian or tutor of such person, under 15.

JAPAN.

AGE OF MARRIAGE.

Civil Code.

Article 3. — Persons shall attain their majority when they have completed their twentieth year.

Article 765. — Marriage may not be contracted by a man until he has completed his seventeenth year or by a woman until she has completed her fifteenth year.

Article 772. — In order that marriage may be contracted, the consent of the father and mother of each of the parties is necessary. This rule does not, however, apply if the man has completed his thirtieth year or the woman her twenty-fifth year.

If one of the parents is unknown or is deceased or has left his family or is incapable of expressing his opinion, the consent of the other parent shall suffice.

If the two parents are unknown or deceased or have left their family or are incapable of expressing their opinion, the minor must obtain the consent of his guardian and of the family council.

Article 773. — If a child's step-father or step-mother or the wife of a father who has legitimised his natural child does not consent to the marriage of the child, the said child may contract marriage if he obtains the consent of the family council.

AGE OF CONSENT.

Penal Code.

Article 176. — Any person who commits an act of indecency by the aid of violence or threats upon a person of either sex aged 13 years or more shall be liable to imprisonment . . . This shall also apply to any person who (under any circumstances) commits such an act on a person of either sex aged less than 13 years.

Article 177. — Any person who has sexual intercourse by the aid of violence or threats with a woman aged 13 years or more shall be guilty of rape and shall be liable to a term of imprisonment. This shall also apply to any person who (under any circumstances) has sexual intercourse with a woman aged less than 13 years.

Article 179. — In the cases dealt with in the two preceding articles an attempt to commit the offence is punishable.

Article 780. — An application for the annulment of a marriage contracted in violation of the provisions of Articles 765-771 may be addressed to the court by one of the parties, by the head of the family, by the parents of either of the parties or by the Imperial Prosecutor. The right of the Imperial Prosecutor lapses on the death of one of the parties. An application for the annulment of a marriage contracted in violation of the provisions of Articles 766-768 may also be made by the husband or wife or by the previous husband or wife of the party concerned.

Article 781. — No application for the annulment of a marriage contracted in violation of the provisions of Article 765 may be made after the husband or wife, having married before the legal age, has attained the said age.

Any person who has contracted marriage before the prescribed age may himself apply for its annulment within a period of three months from the date at which he attains the said age unless he has recognised the validity of the marriage after having attained such age.

LATVIA.

AGE OF MARRIAGE.

Marriage Law.

Article 2. — It is forbidden for men to marry under 18 years of age or for women under 16.

AGE OF CONSENT.

Penal Code.

Chapter 27.

Article 513. — Any person who commits an indecent act: (1) with children under 14 years of age; (2) with minors between 14 and 16 years of age, without their consent, or with their consent but in abuse of their innocence, shall be punished by internment in a house of correction . . . by imprisonment.

Article 517. — Any person who seduces a girl between 14 and 21 years of age in his custody, charge or care shall be punished by imprisonment.

Article 520. — Any person who has sexual intercourse with minors between 14 and 16 years of age without their consent, or with their consent but in abuse of their innocence . . . shall be punished by internment in a house of correction . . .

Attempts to commit this offence are punishable.

LUXEMBURG.

AGE OF MARRIAGE.

Civil Code.

Under Article 144 of the Civil Code, " no male under 18 years of age or female under 15 years of age may contract marriage ". Nevertheless, under Article 145, the Grand Duke may grant dispensation for serious reasons.

AGE OF CONSENT.

Penal Code.

In laying down penalties for sexual offences, the Luxemburg Penal Code does not differentiate between male and female victims.

In these offences, the absence of consent and the youth of the victim constitute aggravating circumstances.

An indecent assault on a child under 14 years of age is punished with imprisonment.

MONACO.

Age of Marriage.

Civil Code.

Article 116. — Males under 18 and females under 15 years of age may not contract marriage.

Article 117. — The Prince, however, has the right to grant dispensations in respect of age if there are serious reasons for so doing.

Age of Consent.

Penal Code.

Article 327. — Any indecent act committed or attempted without violence on the person of an infant of either sex under the age of 15 years shall be punishable by confinement *(réclusion)*. Any ascendant who commits an indecent act on the person of a minor, even if the latter is more than 15 years of age, shall be liable to the same punishment unless the minor is emancipated by marriage.

NETHERLANDS.

Age of Marriage.

Article 86 *of the Civil Code* (as regards the European territory of the Kingdom of the Netherlands) lays down that the age-limit for marriage is 18 in the case of males and 16 for females. In Surinam and Curaçao the ages are 18 and 15 respectively. The stipulation as to age may be waived, however, if there are urgent reasons for such a step.

Age of Consent.

Penal Code.

Article 245. — Sexual intercourse with a female between the ages of 12 and 16, except where the parties are married, is punishable by imprisonment . . .

Article 248 *c*. — Above the age of 16, sexual intercourse does not constitute an offence if the victim consents, except in the case of a minor[1] of good character who is seduced.

Articles 247-248. — Immoral conduct of any kind with a girl of less than 16 years is prohibited.

Article 249. — Above that age, immoral conduct is only punishable when a special relationship exists between the offender and the victims, as, for example, in the case of parents or guardians and their children or wards, teachers and pupils, masters and employees, doctors or persons in charge of hospitals or similar institutions and persons admitted to them.

Similar provisions exist in the penal codes of Surinam and Curaçao, except that the age below which sexual intercourse is prohibited unless the parties are married is 14 in Surinam and 15 in Curaçao, instead of 16 as in Europe.

NEW ZEALAND.

Age of Marriage.

The legal age of marriage in New Zealand is the same as in England, viz., a girl may marry at 12 years of age and a boy at 14.

There are no statutes bearing upon the point in New Zealand beyond the provision in the Marriage Act that, if either party of a marriage is under 21 years of age, they must obtain the consent of their parents or guardians if in New Zealand. There is also a provision that, if the consent of the parent or guardian is unreasonably withheld, a Judge of the Supreme Court may grant the necessary permission.

Age of Consent.

Crimes Act.

Regarding the carnal knowledge of girls, the law of New Zealand is as follows:

(*a*) *Section* 214*b*. — If the girl is over 10 and under 12 and consents, the offender is liable to . . . imprisonment and to be flogged once, twice, or thrice whether he believed her to be of or over that age or not.

(*b*) *Section* 218. — If a girl is over 12 and under 16 years and consents, the offender is liable to . . . imprisonment, unless the girl is of the same age or older than the offender. Provided that it shall be a sufficient defence to any charge under the section in question if it is made to appear to the jury that accused was under the age of 21 years at the time of the commission of the offence and had reasonable cause to believe that the girl was of or over the age of 16 years. No prosecution for an offence under this section may be commenced more than nine months after the commission of the offence.

NORWAY.

Age of Marriage.

A man under 20 and a woman under 18 cannot contract marriage without the permission of the competent magistrate. No person under 21 can contract marriage without the permission of his or her parents or guardian.

Age of Consent.

Penal Code.

Article 196. — Any person who has immoral relations with a child under 16 years of age shall be liable to imprisonment. . .

Article 197. — Any person who has immoral relations with a person under 18 years of age who is under his authority or care shall be liable to imprisonment for a term not exceeding six months. Misapprehension as to the victim's age shall not be admitted as an excuse.

N.B. — In a certain number of provisions concerning offences against morals, the age of the victim is considered in fixing the penalty, a more severe penalty being imposed when the crime has been committed against a minor.

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[1] *I.e.*, less than 21 years of age.

POLAND.

Age of Marriage.

The legal age for marriage is as follows in Poland:

I. *In former Russian territory.*

A. *Former Kingdom of Poland at the Congress of Vienna:*

(*a*) No male under 18 or female under 16 may contract marriage (Law of 1836 on Marriage, Article 6: *impedimentum impediens*).

(*b*) Persons under 21 may not marry without the consent of their father, mother or guardian (*idem*, Article 15).

(*c*) A male under 14 or female under 12 may not contract marriage (*idem*, Article 8; *impedimentum dirimens*).

Absence of consent constitutes *impedimentum impediens*.

Remark. — For non-Catholics, similar rules are contained in Articles 99, 125, 129, 130 and 180 of the 1836 Law of Marriage.

B. *Territory which formed part of the former Russian Empire proper.* — The civil law in force is Part I, Vol. X, of the Statute Book of the former Russian Empire. According to Articles 3 and 63 of the above-mentioned volume, no male under 18 or female under 16 may contract marriage.

II. *In former Austrian territory.*

(*a*) Persons under 14 may not contract marriage (§§48 and 21 of the Austrian Civil Code: *impedimentum dirimens*).

(*b*) Minors (*i.e.*, persons under 21) may not contract marriage without the consent of their father, guardian or the Court which exercises wardship (*idem* §§49 and 50). Absence of such consent constitutes *impedimentum dirimens*.

Remark. — In the former Hungarian communes of Spisz and Orawa, under a Ministerial Decree dated September 14th, 1922 (§ 4b, *Journal of Laws*, No. 90, 1922, item 833) the provisions of the Hungarian Law of 1894 apply if the marriage is contracted under Hungarian Law, while those of the Austrian Civil Code of 1811 apply if it is contracted under Austrian Law.

III. *Former Prussian territory:*

(*a*) No male under 21 or female under 16 may contract marriage (§1303 of the Civil Law: *impedimentum impediens*).

(*b*) Minors may not contract marriage without the consent of their representative at law; legitimate children under 21 years may not marry without the consent of their father, and illegitimate children without the consent of their mother. Absence of such consent in the former case constitutes *impedimentum dirimens privatum*, and in the second case *impedimentum impediens* (*idem*, §§1304, 1305, 1331).

(*c*) Persons under 7 years of age cannot contract a valid marriage (*idem*, §§ 1325, 104: *impedimentum dirimens*).

Age of Consent.

I. *In former Russian territory.*

Articles 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526 (1), 592 (9) of the Russian Penal Code of 1903 (which is in force in the territories of the former Kingdom of Poland at the Congress of Vienna and also in the territories which formed part of the former Russian Empire proper) lay down rules in regard to age as constituting an important circumstance in offences against public morals. The following are the articles in question or extracts from them:

Article 513. — Any person committing an indecent assault on: (*a*) A child under 14, (*b*) Minors between the ages of 14 and 16, without their consent, or with their consent but abusing their inexperience, shall be punished with penal servitude.

Article 520. — Any person having sexual intercourse with a girl between the ages of 14 and 16, without her consent, or with her consent but abusing her inexperience, shall be punished with penal servitude.

Attempts to commit this offence shall also be punishable.

Article 521. — Any person having sexual intercourse with a girl between the ages of 14 and 16 who has not abused her inexperience but has taken advantage of her defenceless condition, shall be punished with imprisonment.

II. In former Austrian territory:

Articles 126, 127, 128, 132 (IV), 133 of the Austrian Penal Code of 1851 contain provisions in regard to age as constituting an important circumstance in offences against public morals.

Article 128. — Any person who, in order to satisfy his carnal desires, attempts in any manner (other than that referred to in Article 127) to commit indecent assault on a boy or girl under 14 is guilty (provided the act does not constitute a crime within the meaning of Article 129*b*, *i.e.*, indecent conduct with a person of the same sex) of the offence of rape, and shall be punishable with hard labour.

Remark. — The same provisions of the Austrian Penal Code are in force in the Hungarian communes of Spisz and Orawa.

III. In former Prussian territory:

Articles 173, 174, 176, 178, 181, 182, and 184 *a* of the Penal Code of 1873, or parts of the same, lay down rules in regard to age as constituting an important circumstance in offences against public morals.

Article 176. — Any person guilty of committing an indecent assault on children under 14, or encouraging them to commit such offences or allow themselves to be treated in a lascivious manner, shall be punishable with hard labour.

Should there be extenuating circumstances, the sentence may be one of imprisonment.

Article 182. — Any person seducing a virgin under 16 for the purpose of sexual intercourse shall be punished with imprisonment. Proceedings are only to be undertaken at the request of the parents or guardian of the person seduced.

ROUMANIA.

I. OLD PROVINCES.

Age of Marriage.

Civil Code

Article 127. — No male person may contract marriage before attaining the age of 18 years, and no female person before attaining the age of 15 years.

Article 128. — Dispensations may be granted only by the King for serious reasons.

Age of Consent.

Penal Code.

Article 263. — Any person committing or attempting to commit an indecent act without violence against a child of either sex under the age of 14 years shall be liable to imprisonment . . .

II. BESSARABIA.

AGE OF MARRIAGE.

Under Article 3 of the Russian Civil Code, which is still in force, males may marry when they are over 18 and females when they are over 16.

In certain exceptional cases, the local religious authorities may accord dispensations for not more than six months.

AGE OF CONSENT.

The penal legislation of the old Kingdom also applies to Bessarabia.

III. BUKOVINA.

AGE OF MARRIAGE.

Paragraph 48 of the Austrian Civil Code, which is still in force, allows persons of either sex to marry from 14 years of age onwards. No provision is made for dispensation.

AGE OF CONSENT.

In conformity with Article 128 of the former Austrian Penal Code, any assault on a child under 14, of either sex, is punishable with hard labour...

According to Paragraph 504 of the Penal Code, assaults on minors between the ages of 14 and 21, or their seduction by members of the family or domestic staff, is punishable with imprisonment.

IV. TRANSYLVANIA.

AGE OF MARRIAGE.

The conditions regarding age are the same as in Bessarabia, but it is the Ministry of Justice which has the right to accord dispensations.

AGE OF CONSENT.

In conformity with Article 236 of the Penal Code, if an assault is committed on a child under 14, the penalty is... hard labour.

SALVADOR.

AGE OF MARRIAGE.

Civil Code.

Article 102. — The following are absolutely unqualified to contract matrimony: (1) males who have not reached 16 years of age; females who have not reached 14 years of age...

The above are therefore the legal ages of marriage, and once they have been reached the law cannot prohibit matrimony on this ground.

AGE OF CONSENT.

The ages taken into account by the Penal Code are 12 and 21 years respectively for the offences of violation and rape.

As regards the first, the offender is liable to a penalty of...imprisonment, and the offence is constituted by having sexual relations with a person under 12 years of age, even with that person's consent, and unaccompanied by the use of force, intimidation or deception, and even when the minor is in full possession of her reason and faculties.

A penalty of...imprisonment is also imposed for any indecent abuse of a female under 12 years of age committed in similar circumstances, *i.e.*, without the use of force, intimidation, etc.

Rape consists of violating a virgin less than 21 years of age but over 12 years of age (under this age the offence would constitute violation), or over 21 years of age if she is the sister or a descendant of the offender.

KINGDOM OF THE SERBS, CROATS AND SLOVENES[1].

1. TERRITORY OF THE OLD KINGDOM OF SERBIA.

AGE OF MARRIAGE.

Civil Code, Paragraph 69*b.*

The age for a valid contract of marriage is 17 in the case of a male and 15 in the case of a female, unless the competent ecclesiastical authorities grant a dispensation. Marriage is absolutely null and void if the male be under 15 or the female under 13. In this case, no dispensation, even that of the ecclesiastical authorities, is possible.

AGE OF CONSENT.

According to the penal legislation in force in the old Kingdom of Serbia, the consent of the person with whom indecent acts are committed may be regarded as an extenuating circumstance if the person in question is over 13.

Penal Code, Par. 191, 1, 2 *and* 3, *Par. I and II.*

(i) Any person committing, with violence or by means of threats, acts of indecency with a female or male person, or acting as go-between for the commission of such acts;

(ii) Any person committing acts of indecency with another person not in full possession of his faculties or responsible for his acts, whether such a state has been brought about by the devices of the offender or not;

(iii) Any person committing acts of indecency with a child under 13, even with the latter's consent, shall be punishable with hard labour.

2. TERRITORY OF VOIVODINE[2].

AGE OF MARRIAGE.

Hungarian Law of 1894, *Par.* 731.

The age at which a male may marry is 18 and that at which a female may marry 16, unless special dispensation is granted by the Ministry of Justice.

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[1] As the penal and civil legislation has not yet been unified in the Kingdom of the Serbs, Croats and Slovenes, the former laws are still in force in ex-Austro-Hungarian territory. Consequently, five legislations are at present in force in the Kingdom, namely, the Serbian, Austrian, Hungarian, Montenegrin — which differs only slightly from Serbian legislation — and finally the legislation of Bosnia and Herzegovina.

[2] The territory of the Banat, the Batchka and Baranya.

Note : The criminal legislation will shortly be unified and the question of the age of consent and the age of marriage will be settled according to the provisions of the penal codes of other countries and to local needs.

AGE OF CONSENT.

Hungarian Penal Code (in force in this territory.)

Any person seducing a girl under 14 years of age is punishable with imprisonment. Proceedings, however, may only be taken against the offender if complaint is laid by a private person. When once the complaint has been laid, it cannot be withdrawn. An exception is made in the case of persons under the control of tutors and guardians and persons who are in educational or medical institutions. In such cases, public proceedings are taken against the offender.

3. TERRITORY OF CROATIA AND SLOVENIA.

AGE OF MARRIAGE.

See the Austrian reply.

AGE OF CONSENT.

Penal Law of May 27th, 1852, Paragraph 126.

The fact of having sexual intercourse with a female against the latter's will is regarded as seduction and punished under the terms of Paragraph 126.

4. BOSNIA AND HERZEGOVINA.

AGE OF MARRIAGE.

To be able to contract marriage, a person must be 16 years of age.

AGE OF CONSENT.

Acts of indecency committed with a person under 13, even with that person's consent, shall be regarded, according to circumstances, as abduction (Paragraph 174 of the Penal Code) or assault as defined in the same paragraph.

SIAM.

AGE OF MARRIAGE.

The legal age of marriage is not fixed by Siamese law. The question is governed by custom, and it is generally admitted that puberty is the criterion.

However, according to the part of the Civil and Commercial Code which came into force on January 1st, 1926, concerning Capacity (Section 20) minors who marry become *sui juris* only after the completion of 15 years in the case of a female and 17 years in the case of a male.

AGE OF CONSENT.

The age of consent is fixed at 12 years by the present Penal Code.

Section 241. — Whoever instigates any minor under 12 years of age to have sexual intercourse or to commit immoral practices with any other person, or procures any minor under 12 years of age for the purpose of sexual intercourse or immoral practices with any other person, shall be punished with imprisonment...

Section 244. — Whoever has sexual intercourse with any girl under 12 years of age, with or without her consent, shall be punished with imprisonment...

Section 245. — Whoever commits any indecent act on any child under the age of 12 years shall be punished with imprisonment...

The punishments prescribed by Sections 244 and 245 are increased by one-third whenever the offence is committed:

(1) By a parent on his child or grandchild;
(2) By a teacher on a pupil entrusted to his care;
(3) By an official on a person placed under his care.

SOUTH AFRICA.

AGE OF MARRIAGE.

Twelve years of age.

AGE OF CONSENT.

The common law of the Union conclusively presumes that a female under the age of 12 is unable to give her consent to the act of sexual connection, attempted connection or indecency. Any such act, therefore, whether consent has been given or not, is the crime of rape, assault with intent to commit rape, or indecent assault respectively, and is punishable with the penalties prescribed generally by the law for those crimes. Once it is proved that the victim is under the age of 12, no evidence as to consent can affect the nature of the crime. Sexual crimes committed in respect of females under 12 are in practice severely punished...

The above is the common law, but in order to protect females between the ages of 12 and 16 who may have consented, the Legislature has, by the Girls' and Mentally Defective Women's Act No. 3 of 1916, provided as follows:

1. Every male person who has unlawful carnal connection with a girl under the age of 16 years or who commits with a girl under that age immoral or indecent acts or who solicits or entices a girl under that age to the commission of such acts shall be guilty of an offence...

If upon the trial of any person for the crime of rape or assault with intent to commit rape or for an offence under sub-section (1) of this section insufficient evidence is adduced *aliundo* as to whether or not the complainant is under the age when her consent would be a lawful defence to the act charged against the accused, the court or jury may decide the question of the complainant's age from her appearance.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge is brought that the girl at the time of the commission of the offence charged was a prostitute, or that the person so charged was at the said time under the age of 16 years.

SPAIN.

AGE OF MARRIAGE.

Civil Code.

Marriage Reforms.

Article 42. — The law recognises two forms of marriage: marriage under canon law, which must be contracted by all who profess the Catholic faith; and civil marriage, which shall be celebrated in the manner determined by the present Code.

Marriage under Canon Law.

Article 75. — The conditions, form and ceremonies for the celebration of marriage under canon law are governed by the rules of the Catholic Church, and of the Holy Council of Trent, accepted as laws of the realm.

Article 76. — Marriage under canon law shall have full civil effect as regards the person and property of husband and wife and their descendants.

Article 1067 *of Canon Law.*

Males under 16 and females under 14 cannot validly contract matrimony.

Before this Code was introduced, the age-limit was only 14 for males and 12 for females; this Code therefore postpones for two years in each case the age at which marriage can be validly contracted.

Civil Marriage.

Article 83. — Marriage may not be contracted by males under 14 years of age and females under 12 years of age.

Nevertheless, a marriage contracted by persons below these ages shall be confirmed *ipso facto*, and without necessity of an express declaration, if for one day after reaching the legal age of marriage they live together without making a legal appeal against the validity of the marriage, or if the female has conceived before the legal age of marriage, or before the appeal was entered.

AGE OF CONSENT.

Penal Code.

Article 453. — Rape consists of having carnal knowledge of a female in any of the following cases . . . (3) if she is under 12 years of age . . .

Article 458. — Indecency with a girl over 12 and under 23 years of age committed by a public official, minister of religion, domestic servant, guardian, teacher, or person responsible in any way for the education or guardianship of the girl, shall be punished by imprisonment . . .

SWEDEN.

AGE OF MARRIAGE.

Marriage Law.

Articles 1 and 2 *(Chapter* 2*).* — The legal minimum age for marriage is 18 years in the case of women and 21 years in that of men. Dispensations may be granted by the King. This notwithstanding, persons under 21 years of age who have not been married may not contract a marriage without their parents' consent.

AGE OF CONSENT.

Penal Law.

Article 7 *(Chapter* 18*).* — Any person having intimate relations with a female minor under 12 years of age shall be punished . . .

Article 8. — In the case of intimate relations with a girl over 12 but under 15 years of age, the penalty shall be penal servitude . . .

SWITZERLAND.

AGE OF MARRIAGE.

Civil Code.

Article 96. — Men may not marry before having completed their twentieth year, women before having completed their eighteenth year.

Nevertheless, in exceptional cases and for good and sufficient reason, the Government of the Canton in which those concerned are domiciled shall be entitled to declare a woman who has completed her seventeenth year or a man who has completed his eighteenth year capable of contracting marriage, should the parents or guardians consent.

Article 98. — Persons under age cannot marry without the consent of their father and mother or of their guardian.

The consent of the father or of the mother shall be sufficient when only one of them exercises the parental power at the moment when the banns of the marriage are published.

AGE OF CONSENT.

Sexual Offences (Summary prepared by Federal Public Prosecution Department).

The varied nature of the Cantonal penal provisions which deal with children is most surprising: Cantonal legislation is particularly varied in respect of the age of absolute protection.

The Penal Codes of the Cantons fix the age of absolute protection as follows:

Puberty: Grisons (133); Aargau (10); Appenzell Rhodes Exterior (96); Appenzell Rhodes Interior (143); Schwyz (90); this last Act with a limit of 14 years.

Completion of the twelfth year: Ticino (255*a*); Vaud (200); Valais (204); Fribourg (195).

Completion of fourteenth year: Neuchâtel (268); Glaris (76); Zug (93); Solothurn (96.2); Schaffhausen (177); Obwald (69); Basle (91.3); Thurgau (105); St. Gall (186).

Completion of fifteenth year: Lucerne (186); Geneva (278, Law of 1892).

Completion of sixteenth year: Berne (165).

Certain Cantons, however, make penal proceedings dependent on a charge being brought by the legal representatives of the minor.

Most Cantonal Codes contain penal provisions directed against improper acts committed on minors; the penalties, however, vary.

TURKEY.

AGE OF MARRIAGE.

Civil Code.

In conformity with Article 11 of the Turkish Civil Code, which came into force on October 4th, 1926, persons attain their majority at 18. Consequently, persons who have attained this age and are in possession of their faculties may contract marriage without obtaining the consent of their representative at law. A female of 17 may, however, contract marriage with the consent of her parents or guardians. Males and females of 15 may, as an exceptional measure and for urgent reasons, contract marriage with the permission of the judge (Article 88).

Age of Consent.

Penal Code.

The age of consent as regards rape or other acts which constitute an offence against public morals is 15 for persons of both sexes. The consent of persons under this age is not to be taken into account.

Article 417. — The commission of the above-mentioned acts by parents, relatives, guardians, tutors, schoolmasters, servants or other persons responsible for the education, protection and supervision of the victim or by a person who has any authority or influence over the latter constitutes an aggravation of the offence and entails an increase in the sentence up to 50 per cent.

Articles 423, 424. — Proceedings against a person who has seduced a virgin of 15 or over with promises of marriage can only be instituted on the complaint of the latter. Should the person marry the victim, no penalty can be imposed.

THE UNITED STATES OF AMERICA.

Age of Marriage.

Alabama. — The marriage age-limit for males is 17 years and for females 14 years.

Alaska. — The marriage age-limit for males is 21 years and for females 18 years.

Arizona. — The marriage age-limit for males is 18 years and for females 16 years. Parental consent required in writing for males under 21 and females under 18.

Arkansas. — The marriage age-limit for males is 17 years and for females 14 years, and marriages below such ages are void. Parental consent is required for males under 21 and females under 18.

California. — The marriage age-limit for males is 21 years and for females 18 years. But a marriage may be contracted between a male 18 years of age and a female 16 years of age upon written consent of parent or guardian.

Colorado. — The marriage age-limit for males is 21 years and for females 18 years. The solemnisation of a marriage of a person under these ages is criminal, unless with the consent of parents, if they are in the State.

Connecticut. — The marriage age-limit for males is 21 years and for females 21 years. No licence shall be issued if either party is a minor until a parent or person in control has assented. There is no statutory provision establishing an absolute minimum age, but if either party applying for licence is under 16 it is necessary to have the consent of a "select-man" of the town endorsed upon the licence.

Delaware. — The marriage age-limit for males is 18 years and for females 16 years, unless with the consent of parent or guardian, or marriage is confirmed after reaching that age.

District of Columbia. — The marriage age-limit for males is 21 years and for females 18 years. Under these ages licences to marry are not to be issued without the consent of a parent or guardian. Marriageable age for males is 16 and for females 14. Marriages below these ages are void from the time their nullity is declared by court.

Florida. — The marriage age-limit for males is 21 years and for females 21 years. These are the ages below which the consent of the parent or person in control is required. Otherwise common-law ages control, 14 for males and 12 for females.

Georgia. — The marriage age-limit for males is 17 years and for females 14 years. Parental consent is required for marriage of females under 18.

Hawaii. — The marriage age-limit for males is 17 years and for females 14 years.

Idaho. — The marriage age-limit for males is 18 years and for females 18 years. Marriages under 18 without parental consent may be annulled at the suit of the parent at any time before such minor has reached the prescribed age or at the suit of the minor within four years after arriving at such age, unless the marriage has been recognised since.

Illinois. — The marriage age-limit for males is 18 years and for females 16 years. Parental consent is required for the marriage of males under 21 and females under 18.

Indian Territory. — The marriage age-limit for males is 17 and for females 14 years.

Indiana. — The marriage age-limit for males is 18 years and for females 16 years.

Iowa. — The marriage age-limit for males is 16 years and for females 14 years. This statute does not repeal the common-law rule fixing the age of marriage consent at 14 for males and 12 for females. The statute is merely cumulative.

Kansas. — The marriage age-limit for males is 15 years and for females 12 years.

Kentucky. — The marriage age-limit for males is 14 years and for females 12 years.

Louisiana. — The marriage age-limit for males is 14 years and for females 12 years.

Maine. — The marriage age-limit for males is 21 years and for females 18 years. Under these ages certificates are forbidden to be issued without the consent of parent or guardian.

Massachusetts. — The marriage age-limit for males is 14 years and for females 12 years. The consent of the parent or guardian is required for the marriage of a male under 21 years and of a female under 18 years.

Maryland. — The marriage age-limit for males is 21 years and for females 18 years. Under these ages certificates cannot be issued without consent of parent or guardian.

Michigan. — The marriage age-limit for males is 18 years and for females 16 years.

Minnesota. — The marriage age-limit for males is 18 years and for females 15 years.

Mississippi. — The marriage age-limit for males is 21 years and for females 18 years. These are the ages under which a licence is forbidden without the consent of parent or guardian.

Missouri. — The marriage age-limit for males is 21 years and for females 18 years. These are the ages under which the consent of parent or guardian is required.

Montana. — The marriage age-limit for males is 18 years and for females 16 years.

Nebraska. — The marriage age-limit for males is 18 years and for females 16 years.

Nevada. — The marriage age-limit for males is 18 years and for females 16 years. Such marriages may be confirmed by arriving at the prescribed age.

New Hampshire. — The marriage age-limit for males is 14 years and for females 13 years.

New Jersey. — The marriage age-limit for males is 21 years and for females 18 years. These are the ages below which the consent of a parent or guardian is required.

New Mexico. — The marriage age-limit for males is 18 years and for females 15 years. Parental consent is required for all marriages occurring under 21 years of age.

New York. — The marriage age-limit for males is 18 years and for females 18 years. Parental consent is required for the marriage of males under 21 and of females under 18.

North Carolina. — The marriage age-limit for males is 16 years and for females 14 years. However, consent of guardian or parent is necessary to all marriages of minors under the age of 18.

North Dakota. — The marriage age-limit for males is 18 years and for females 15 years. Parental consent is required for males under 21 and females under 18.

Ohio. — The marriage age-limit for males is 18 years and for females 16 years.

Oklahoma. — The marriage age-limit for males is 18 years and for females 15 years.

Oregon. — The marriage age-limit for males is 18 years and for females 15 years.

Panama Canal Zone. — Males 21 and females 18 may freely contract marriage. Under this age they must have consent of parents or guardians.

Pennsylvania. — The marriage age-limit for males is 21 years and for females 21 years. These are the ages under which consent of parent or guardian is required. The common-law age, 14 for males and 12 for females, presumably applies, but there is no other statutory provision.

Philippine Islands. — The marriage age-limit for males is 14 years and for females 12 years.

Porto Rico. — The marriage age-limit for males is 18 years and for females 16 years.

THE UNITED STATES OF AMERICA *(continued)*

Rhode Island. — The marriage age-limit for males is 21 years and for females 21 years. These are the ages below which the consent of parent or guardian is required.

South Carolina. — There is no provision as to age-limit, but no licence to males under 18 or females under 14 may be issued.

South Dakota. — The marriage age-limit for males is 18 years and for females 15 years.

Tennessee. — The marriage age-limit for males is 14 years and for females 12 years.

Texas. — The marriage age-limit for males is 16 years and for females 14 years.

Utah. — The marriage age-limit for males is 16 years and for females 14 years.

Vermont. — The marriage age-limit for males is 21 years and for females 18 years. These are the ages under which consent of parent or guardian is required.

Virginia. — The marriage age-limit for males is 14 years and for females 12 years.

Washington. — The marriage age-limit for males is 21 years and for females 18 years. These are the ages at which marriage may be contracted, but apparently with the consent of parent or guardian marriage may be contracted earlier.

West Virginia. — The marriage age-limit for males is 18 years and for females 16 years.

Wisconsin. — The marriage age-limit for males is 18 years and for females 15 years.

Wyoming. — The marriage age-limit for males is 18 years and for females 16 years.

The foregoing information has been obtained from a publication entitled *A Treatise on the Law of Marriage and Divorce*, by Frank H. Keezer, and, while believed to be accurate, responsibility for its accuracy cannot be assumed.

Age of Consent.

The Secretary of State takes pleasure in transmitting herewith a publication issued by the Children's Bureau of the United States Department of Labour entitled *Laws relating to Sex Offences against Children* [1].

URUGUAY.

Age of Marriage.

Civil Code.

Article 91. — Marriage is prohibited . . . if the persons concerned have not reached the age required by the laws of the Republic, namely, 14 years in the case of males and 12 in the case of females.

Article 106. — Males under the age of 25 years and females under the age of 23 may not marry without the explicit consent of their legitimate father or, if they have no legitimate father, without that of their legitimate mother, or, failing both the above, without that of the legitimate ascendant or ascendants in the nearest degree. In the latter case, if the voting is equally divided, the marriage shall be allowed.

Article 107. — If there is no legitimate father, mother or ascendant, any person, male or female, under the age of 21 years must obtain the explicit consent of his or her guardian or trustee.

Article 109. — Natural children who have been recognised and who have not attained the specified age of 25 or 23 years as the case may be, as laid down in Article 106, must obtain the consent of the father or mother who has legally recognised them; if both father and mother have recognised them, and if both are alive, the consent of the father must be obtained. For the purposes of this and the previous articles, the father or mother shall be deemed to be non-existent if they have been deprived of their paternal authority, but not if it has merely been restricted, unless any special decision was given to the contrary.

Article 110. — If the person or persons called upon to consent to a marriage refuse to do so, an appeal shall lie to the President of the proper Court of Appeal to declare such refusal unjustified.

Age of Consent.

Penal Code.

Part VIII. — Section I.

Article 276. — Rape shall be deemed to be committed when sexual intercourse takes place under the following circumstances, even if the sexual act is not consummated:

1. If force or threats are employed;
2. If the woman is deprived of her reason or consciousness by whatever means;
3. If she is under 12 years of age.

Article 279. — The punishments specified . . . shall be increased by two degrees if the offence was committed in abuse of authority or of confidence or of family or domestic relations.

VENEZUELA.

Age of Marriage.

Civil Code (1922).

Article 69. — Males may not lawfully contract matrimony before reaching the age of 14 or females before the age of 12.

Article 82. — Males who have not reached the age of 21 years and females who have not reached the age of 18 years may not contract matrimony without the consent of their parents.

Before reaching the age referred to, a man or woman must, in order to contract matrimony, obtain the consent of the person or persons in whose charge he or she is placed.

Age of Consent.

Penal Code (1919).

Chapter VIII.

The "carnal act" is a punishable offence when the victim is a person under 15 years of age. Indecent conduct with such persons is also punishable. The "carnal act" is also punishable in cases where the woman is under 21 years of age, is known to have been virtuous and was seduced by a promise of matrimony.

Abduction is regarded as an offence irrespective of the age of the victim, but the fact that the victim is a minor is an aggravating circumstance. Seduction is in itself a punishable offence, but here again the fact that the victim is a minor constitutes an aggravating circumstance.

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[1] A copy of this publication can be consulted at the Secretariat.